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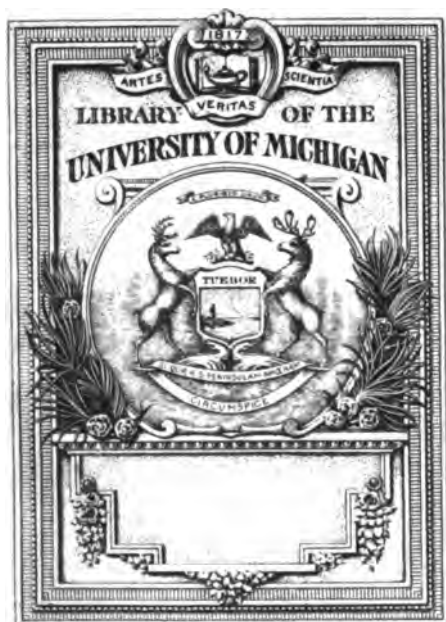
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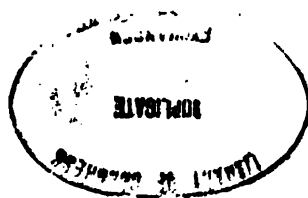
AT THEIR  
SEVENTY-SECOND SESSION,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF ALBANY,  
ON THE SECOND DAY OF JANUARY, 1849.



ALBANY:  
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.....  
1849.



## STATE OF NEW-YORK.

Senate Chamber; in the City of Albany;

TUESDAY, JANUARY 2, 1849.

**PURSUANT** to the sixth section, of the tenth article, of the Constitution of the State of New-York, designating the first Tuesday in January in each year for the assembling of the Legislature, the Honorable George W. Patterson, Lieutenant Governor, and the following Senators from the several Senate districts of this State, appeared in the Senate Chamber.

*From Senate District Number One,*  
John G. Floyd.

*From Senate District Number Four,*  
John L. Lawrence.

*From Senate District Number Five,*  
Samuel Frost.

*From Senate District Number Six,*  
William Samuel Johnson.

*From Senate District Number Seven,*  
Saxton Smith.

*From Senate District Number Eight,*  
Alexander J. Coffin.

*From Senate District Number Nine,*  
Samuel J. Wilkin.

*From Senate District Number Ten,*  
Platt Adams.

*From Senate District Number Eleven,*  
Valentine Treadwell.

*From Senate District Number Twelve,*  
Albert R. Fox.

*From Senate District Number Thirteen,*  
James M. Cook.

*From Senate District Number Fifteen,*  
John Fine.

*From Senate District Number Sixteen,*  
Thomas Burch.

*From Senate District Number Seventeen,*  
John M. Betts.

*From Senate District Number Eighteen,*  
David H. Little.

*From Senate District Number Twenty,*  
Thomas H. Bond.

*From Senate District Number Twenty-one,*  
James S. Whallon.

*From Senate District Number Twenty-two,*  
George Geddes.

*From Senate District Number Twenty-three,*  
S. H. P. Hall.

*From Senate District Number Twenty-four,*  
William I. Cornwell.

*From Senate District Number Twenty-five,*  
Timothy S. Williams.

*From Senate District Number Twenty-six,*  
William M. Hawley.

*From Senate District Number Twenty-seven,*  
Jerome Fuller.

*From Senate District Number Thirty,*  
John W. Brownson.

*From Senate District Number Thirty-one,*  
John T. Bush.

*From Senate District Number Thirty-two,*  
Frederick S. Martin.

Mr. Brownson announced that Mr. Charles Colt, elected at the last general election to fill the vacancy in the office of Senator from the Twenty-ninth District, occasioned by the resignation of Allen Ayrault, was in attendance, and Mr. Colt took the constitutional oath of office, and was qualified.

On motion of Mr. Lawrence,

*Resolved*, That a committee be appointed to wait upon the Governor, and inform him that the Senate is in session, and ready to proceed to business.

*Ordered*, That Mr. Lawrence and Mr. Fine be such committee.

On motion of Mr. Martin,

*Resolved*, That a committee be appointed to notify the Honorable the Assembly that the Senate is organized and ready to proceed to business.

*Ordered*, That Mr. Martin and Mr. Smith be such committee.

On motion of Mr. Little,

*Resolved*, That the Clerk be directed to invite the clergymen of this city, having charge of congregations, to open the daily settings of the Senate with prayer, in such order as may be most convenient for themselves.

On motion of Mr. Cornwell,

*Resolved*, That the Clerk of the Senate furnish to each of the members, officers, reporters and messengers of the Senate the usual articles of stationery, including penknives of the usual quality, and of American manufacture, and that the expense thereof be defrayed from the contingent fund of the Senate.

On motion of Mr. Brownson,

*Resolved*, That the Clerk of the Senate furnish to the Lieutenant Governor and each of the Senators, such newspapers as they may respectively direct, not exceeding in amount two daily papers.

Mr. Lawrence, from the committee appointed to wait on the Governor, reported that they had discharged said duty, and that the Governor replied that he would immediately transmit a message to the Senate.

Mr. Martin, from the committee appointed to wait upon the Assembly, and inform them that the Senate was organized and ready to proceed to business, reported the discharge of said duty.

A message from the Assembly, delivered by Mr. Cross, from a committee of that body, was received, announcing that the House of Assembly was organized and ready to proceed to business.

A message from the Governor, by his Private Secretary, Robert H. Morris, jr., was received, and read, in the words following :

*Fellow-Citizens of the Senate and of the Assembly :*

The commencement of another year has brought you together to discharge the high trust with which you have been commissioned by the people of this State, of enacting laws for the government of nearly three millions of freemen. Before you enter upon that important duty, permit me to congratulate you upon the circumstances under which you meet. The year which has just closed, has been one of



unusual prosperity to the people of our State. The Almighty Ruler of the Universe has been pleased to vouchsafe to us a continuance of his many blessings ; the influences of religion and learning have been extended ; the labors of the husbandman have been crowned with the rewards of an abundant harvest ; the mechanic and artisan have enjoyed the well-earned return of their honest industry ; commerce and manufactures have continued to engage the enterprise and the intelligence of a large portion of the people, while the Arts and Sciences have gradually spread their influence, and are developing new sources of wealth and prosperity. Prominent among the benefits which the past year has brought, is the restoration to our country of the blessings of Peace. While other nations have been threatened with famine, or ravaged by pestilence, or convulsed by foreign wars, or by civil commotions, our thanks are due to Almighty God for His signal blessings conferred upon our country. We enter, then, upon the duties of our respective offices, surrounded by these evidences of the welfare of our people, as individuals, and of their prosperity as a Commonwealth.

The public confidence in the credit of our State was favorably exhibited by the terms on which the loans, authorized by the act of the last Legislature, "to provide for deficiencies in the Sinking Fund under the provisions of article 7 of the Constitution," were taken. A part of these loans were taken at par for stocks bearing five and a half per cent. interest, redeemable in the year 1855 ; the balance was issued at six per cent. interest, also redeemable in 1855, for which a premium, averaging 2.80 per cent. was obtained.

The entire debt of the State at the close of the last fiscal year, and the annual amount of interest payable thereon, was as follows :

	Am't of Interest.	Am't of Debt.
General Fund Debt,.....	\$336,044 85	\$5,989,693 32
Canal Debt,.....	905,037 54	16,674,898 91
do .....		38,751 00

Total,.....	\$1,241,082 39	\$22,703,343 23
In addition to this, there is a contingent liability of the State, arising from the loan of its credit to certain corporations, (which have hitherto paid the interest,) amounting to,.....		
		1,233,905 60

Making the entire outstanding debt, both direct and "contingent," on 30th Sept. last,..... \$23,937,248 83

There was on hand, on the 30th Sept. last, a surplus of the Canal Debt Sinking Fund, carried to the credit of the next fiscal year, available toward the payment of the above mentioned debt of,  
\$115,953 40

There was a deficiency in the General Fund Debt Sinking Fund, of \$1,008.97, which had been advanced from the revenues of the General Fund,.....

1,008 97

114,944 43

Making the total liability of the State, on the 30th Sept. last, above the means on hand for its redemption,.....

\$23,822,304 46

The revenue of the State for the last fiscal year, was as follows:

I. General Fund. Surplus revenue the 30th Sept., 1847,.....

\$111,665 93

Permanent revenue, exclusive of the constitutional appropriation of \$200,000 annually, from the surplus of the canal revenues,.....

188,030 60

State Tax,.....

238,303 74

Miscellaneous and temporary receipts,.....

20,065 14

Sundry receipts, for which previous advances had been made, or which were to be withdrawn subsequently from the Treasury,.....

71,823 83

\$629,889 24

II. Canal Revenues. Tolls, including penalties, &c.,.....

\$3,153,614 24

Rent of surplus waters,.....

3,354 14

Interest on current canal revenue,...

47,101 78

3,204,707 16

Total revenue,..... \$3,833,959 40

The payments out of the Canal Revenues above mentioned, amounting to,.....

\$3,204,070 16

Were as follows:—

Expenses of collection, superintendence and ordinary repairs,.....

\$855,850 64

Appropriated and set apart by article 7 of the Constitution—

I. Towards the Canal Debt Sinking Fund,.....

1,300,000 00

II. Towards the General Fund Debt Sinking Fund,.....

350,000 00

III. To defray the necessary expenses of Government,.....

200,000 00

\$2,705,850 64

Leaving the remainder of the revenues,..... \$498,219 52

which sum is applicable to the completion of the Erie Canal Enlargement, the Genesee Valley and the Black River canals.

The canal tolls (including the tolls received from railroads) during the season of navigation, for the year 1848, amounted to \$3,459,690.29. Compared with the corresponding period during the year 1847, this amount exhibits a decrease of \$216,381.83. The tolls of the year 1847, were greatly augmented by reason of the extraordinary demand for provisions and agricultural products for exportation, to meet the necessities arising from the failure of the crops in many parts of Europe. From this cause, the tolls for the past season were less than those of the preceding year, yet as compared with all other years, they show a steady and rapid increase.

The enlargement of the Erie canal and the completion of the Genesee Valley and of the Black River canals are progressing as rapidly as the limited appropriations to those objects, under the Constitution, will permit. Previous to the resumption of the public works in May, 1847, about 98 miles of the enlarged canal, and 328 structures, had been brought into use at an expense of nearly \$10,000,000. The enlargement will embrace 980 structures, upon the entire length of the canal. At the opening of navigation next spring, there will be 113 miles of the canal, and 409 structures in use; in addition to which, a considerable amount of work will have been done on other portions of the canal, and on structures not then complete.

The entire length of the Black River canal will be 44 62-100 miles, exclusive of 42½ miles of slack water navigation, on the Black river. Contracts have been made, covering nearly all the work necessary to complete 35 miles of this canal, which, it is thought, will be brought into operation in the spring of 1850.

On the Genesee Valley canal, 52 miles are now in use; there being 66½ miles not completed. A large amount of work is under contract between the present termination at the Dansville side-cut, and the Canadea feeder, a distance of 36½ miles. The Commissioner in charge hopes that the canal may be ready for navigation to this latter point by the spring of 1850.

The rapid augmentation in the business of the canals has produced a corresponding increase in the number of boats employed in their navigation. According to the Register in the Auditor's office, the present number is 4,743, being an increase of 522 within one year. The magnitude of this indispensable appendage to our internal commerce, may be estimated from the fact, that the boats, if placed in line, would occupy nearly seventy miles of the length of the canals. The establishment of safe and convenient basins for the accommodation of such a mass of vessels, with the necessary appliances for the cheap and expeditious reception and discharge of their cargoes, has become a matter of public concern. Under the authority of recent laws, extensive basins have been commenced at the expense of the State, in the city of Buffalo; while the commodious basins constructed by local enterprise in the city of Albany, and by the Atlantic Dock Company in the harbor of New-York, have been eminently serviceable in securing from

injury this large fleet of boats, which our system of internal navigation has called into existence.

The revenue derived from the three funds which are either entirely or principally applied to purposes of education, were on the 30th September last, as follows:

	Common School Fund.	Literature Fund.	U. S. Deposit Fund.
Capital,.....	\$2,211,475 14	\$265,806 78	\$4,014,520 71
Balance in Treasury 30th Sept., 1847,			
Receipts during the year, .....	\$124,947 16	\$18,204 69	
Appropriations from the income of the U. S. Dep. Fund,	117,220 25	18,183 61	\$251,577 24
	165,000 00	27,000 00	
Total receipts,.....	\$407,167 41	\$63,388 30	\$251,577 24
Payments during the year, .....	284,902 00	43,532 66	249,634 48
Balances of revenue in the Treasury 30th Sept., 1848,	\$122,265 41	\$19,855 64	\$1,942 76

I respectfully refer you to the reports of the Comptroller and the Commissioners of the Canal Fund, which will present a detailed statement of the financial statistics of the State.

The annual report of the Inspectors of State Prisons will present to you the state and condition of the prisons, and the receipts and expenditures of money during the year, with other details of the important interests with which they are charged.

I communicate herewith, in conformity with section five of article four of the Constitution, a statement of the reprieves, commutations and pardons, granted during the past year, by my predecessor.

Reports of the Adjutant General and Commissary General, which will soon be transmitted to the Legislature, will furnish full information on the subject of the militia, and the arms and other military material of the State.

The common school system of the State continues efficient in the discharge of its important objects. The number of organized school districts, reported during the past year, was 10,621; and the number of children taught in the common schools during the year was 776,723, being an increase of 27,336 over the number reported the preceding year. The number of unincorporated and private schools reported was 1,785, in which 32,256 children were taught; making the aggregate of 807,979 children, who receive instruction in the common and private schools of the State. The amount of public moneys paid for teachers' wages, during the year, was \$639,008 .00; and the amount paid on rate bills for teachers' wages was \$466,674 .44, being an aggregate of \$1,105,682 .44.

Intimately connected with the success of our institutions of learning, is the establishment and support of libraries for the use of the public. The liberal and far-seeing policy of the law of 1838, provided for the formation and gradual increase of libraries in each of the school districts of the State. During the past year \$81,624 . 06 have been expended by the State for this object. Upwards of one million three hundred thousand volumes have already been distributed, carrying the means of mental culture into every portion of our wide-spread territory. This beneficent legislation of the State, has recently been seconded by a signal example of individual liberality on the part of one, who, though not a native of our land, had realized in his own career the benefits of the full and fair participation in the privileges which the liberal policy of our institutions extends to all, without regard to the place or the circumstances of birth. John Jacob Astor, a native of Germany, who lately died at an advanced age, in the city of New-York, by his will, has devoted the large, and, in this country, unprecedented amount of four hundred thousand dollars, to the foundation and perpetual support of a library for the free use of the public. The trustees to whom the management of this munificent donation has been committed, will, under the directions of the will, apply to the Legislature for an act of incorporation to render the management of the library and its funds safe and convenient. I cheerfully commend their application to your enlightened encouragement. The foundation of such an institution, with its treasures of learning, cannot but be regarded as a striking event in the literary history of our State.

From the representations made to me, I am led to believe that the restoration of the office of County Superintendent would be productive of good to the School system. One of the injurious consequences of its abolition, as I am informed by the Department, is, that the reports for which it depended wholly on those officers, are now greatly diminished in number, and that many of those received are so imperfect as to be of little value.

The Report of the Executive Committee of the Normal School will show the condition of that most valuable agent in the cause of education. This school is doing a great and good work. It has ceased to be an experiment, and under its present judicious management, it is growing in the confidence of its friends, and attracting the interest of many who once doubted its practicability, or its usefulness.

The limits of this communication will not permit any detailed statement of the various public charities of the State. Their annual reports will exhibit their prosperous condition, and their labors in the accomplishment of the benevolent purposes for which they were designed.

The number of patients in the State Lunatic Asylum at Utica, on the 1st of December last, was 496, which is about as many as can well be accommodated in the institution. During the six years of its operation, this Asylum has received 2,014 patients, of whom 814 have been discharged cured. Personal observation of this institution,

during the past summer, enabled me to notice the neatness, method and excellence of its management.

The Institution for the Deaf and Dumb, numbered among its pupils, in the latter part of November—

Beneficiaries of the State of New-York, .....	160
“ “ City of New-York, .....	16
“ “ State of New-Jersey, .....	8
“ “ Institution itself, .....	10
Supported in whole or in part by their friends, .....	29

Being a total of ..... 223

As the institution has no permanent funds, except its investment in buildings, its existence depends upon the annual appropriations of the Legislature, from which it receives nearly three-fourths of its income. In company with the Superintendent of Common Schools, I attended an examination of some of the classes during the last summer. A more interesting exhibition of the excellence and benefits of a public charity, could not have been enjoyed.

In the New-York Institution for the Blind, there were, on the 4th of December, 135 blind persons, viz :

Supported and educated by the State of New-York, .....	104
“ “ “ New-Jersey, .....	7
“ “ “ their friends, .....	3
“ “ “ gratuitously by the Institution, .....	1
Graduates employed as teachers and otherwise, .....	20

Total, ..... 135

To complete the usefulness of this institution, an appropriation of \$15,000 was made at the last session of the Legislature, providing for an asylum, where those who have finished the course of instruction, and acquired a trade, may support themselves by their own labor. I learn that the contracts have been made, and that the building is commenced, and will be completed within the appropriation. This excellent charity is accomplishing its benevolent objects. It is second to none in the excellence of its management, or in the humanity of its design. It merits, and I trust will receive, the continued aid of the State.

In the New-York Hospital, 3,178 patients have been under treatment, between the 1st of January and the 30th of November last; of whom 2,155 were discharged, cured. In the Lunatic Assylum at Bloomisdale, which is under the charge of the governors of the New-York Hospital, there were 120 patients on the 1st of December last.

The annual fair of the State Agricultural Society, held at Buffalo in September last, is represented to have been equal to any which had preceded it; and exhibited the interest of our people, as well as their advancement, in those pursuits which the Society was intended to promote and encourage. This Society has heretofore made valuable contributions to the cause of agriculture, in several interesting volumes of its transactions. I understand that the report which it will

present this winter, will contain more than the ordinary amount of interesting and valuable information.

The history of this State evinces that its Legislature has not been content to confine the exercise of its powers to the mere enactment of laws for the administration of the ordinary functions of government, or for the suppression of crime. Its canals, and other public works, its schools and institutions of learning, are proud evidences of a determination to promote the increase of its commerce and trade, and the moral improvement and happiness of the people, by acts of munificent, but judicious legislation. We have long recognised it as a high and holy duty of a civilized government, to provide for the general dissemination of learning—to foster the enterprise of its people—to develop the resources of the State—to encourage its industry—and to secure to that industry its surest and most ample rewards. Much has been done to effect these ends. A noble fund has been provided, and our common schools and academies are sowing broadcast the seeds of learning. The higher branches of science and the arts have not been neglected—the endowments of the colleges and universities have generally been liberal—and the rich return of these institutions, in the advancement of good scholarship, of profound learning, and of liberal and lofty science, is the surest evidence of the wisdom of the past liberality of the State, and the strongest incentive to its future continuance.

I think the time has arrived when the State is called upon to make provision for the advancement of agricultural science, and of knowledge in the mechanic arts. Of late years, the science of agriculture has received much attention, and its influence, in combination with the practical labors of those engaged in the ennobling pursuits of husbandry, has lessened the toil and increased the returns of the tillers of the soil. Similar influences have produced similar results, with respect to the mechanic arts. If the wealth, and power, and independence of a nation, are to be estimated by its ability to supply, from within itself, its most essential wants, and from its abundance to minister to the wants of others, it is both wise and politic for the State to aid the advancement of those particular branches of knowledge more immediately bearing upon the pursuits of the great producing classes.

In this view, I cannot too strongly recommend the endowment by the State of an agricultural school, and a school for instruction in the mechanic arts. I would suggest an annual appropriation to be expended under the direction of the Regents of the University, for instructors in the several branches of learning connected with agriculture and the mechanic arts. The appropriation should be sufficient to ensure the best talents, to test the utility of the plan, and if deemed expedient, its duration may, in the first instance, be limited.

The Constitution of the State omits to provide for the contingency of a vacancy occurring in the office of Governor, pending a vacancy in the office of Lieutenant-Governor. As every precaution should be taken to guard against a failure of the depository for the Execu-

tive power of the State, an amendment to the Constitution, to meet this omission, should be made.

Your attention is also requested to the necessity of providing by law for filling vacancies in office. Great inconvenience and injury to the public interests might result from an omission to exercise the power over this subject, which is confided to the Legislature.

Much of the time of the State Legislature is now occupied with business of a local character, which might, with propriety, and advantage, be transferred to the Boards of Supervisors of the several counties. A majority of the members of the Legislature can have but little personal knowledge of the merits of most of the local questions upon which they are called to act. A transfer of the power over these questions is in accordance not only with the theory of the Constitution, but with its express provision, and would bring the local legislation more nearly home to those directly interested in its results. And while it would elevate the office of Supervisor, it would leave to the State Legislature a larger portion of its time for the consideration of subjects of more general bearing.

I recommend to your consideration a modification of the Criminal Code. The punishment of crime should be certain, rather than severe. Long terms of imprisonment produce a crowded state of the prisons, which is made the justification of appeals to the Executive power of pardon, if it do not at times present a necessity for its exercise. In a popular government where every branch of the civil power is in a measure affected by public opinion, certainty cannot be attained unless the punishment which the laws prescribe, be in accordance with the prevailing sentiment of the community. That sentiment is undoubtedly opposed to a severe punishment. It frequently operates upon juries, to induce either an acquittal, or the conviction of a lesser crime, rather than a verdict which will be followed by a punishment beyond what the jury may deem adequate. However rigid the disposition of the individual vested with the power of pardon, the force of a sentiment strong enough to find its way into the jury box, will sometimes reach him, and open the door of the prison, before the expiration of the sentence. The certainty of punishment is thus sacrificed to the severity of the legal enactment. If this be correct, it suggests the propriety of abridging, in proper cases, the terms of imprisonment. By the present laws, no person can be sentenced to the State Prison for less than two years. I think this minimum might be reduced to one year. And I recommend the substitution of a larger sum than the law now prescribes for the division between grand and petit larceny. Our former penal code placed the limit of petit larceny at twelve dollars and a half; but as the exchangeable value of money receded, it was extended to twenty-five dollars. The same reasons which induced this change more than thirty years since, seem now to demand a further extension.

In connection with this subject, I also recommend the enactment of some regulations relative to the manner of applying for pardons. In the absence of any legislative provision on this subject, the appli-



eations for pardon becomes almost equal in number to the convictions.

It is not within the limit of my duty to suggest the nature, or the details of provisions which the Constitution has committed to the wisdom of the legislature; but in my view of the importance of restricting the exercise of this power, I cannot omit presenting the subject to your consideration. Under proper and judicious regulations, the number of applications for pardons will be greatly diminished; while the power can be exercised with greater discrimination and safety.

The interest and the convenience of the public, as well as a regard for the rights of property, seem to call for a revision and alteration of the laws under which taxes, and assessments for local improvements are imposed, and their payment enforced. In the exercise of the power of taxation, or in delegating it to other, and local bodies, the legislature should use the utmost vigilance to confine this severe attribute of sovereignty within the most rigid limits consistent with the public necessities. While the amount of the tax should be limited to the wants of the most economical administration of the government, the mode of its collection should have regard to the convenience of those who are to pay; and payment should be enforced in such manner as may most advantageously combine certainty with economy, and publicity of notice. Sales of land for unpaid taxes have hitherto been held at the seat of government, at irregular periods. I am aware that there has been strong objections, from those whose position and experience entitle their opinions to much consideration, to these sales being made to the counties within which the lands are situate. But I am not able to see sufficient force in these objections, to resist the arguments, based upon the convenience and the interest of the parties affected, in favor of transferring the place of sale to the respective counties. Many titles have been lost, and the hard earned savings of years of toil been swept away by means of a sale conducted at a distance, and without the knowledge of the party to be affected, for a tax imposed before the title had accrued. These sales, as now conducted, are sure to meet the attention of the vigilant, and of the wealthy land owner; while the inducements which they present of a high rate of interest, in case of redemption, and of still larger gains in case of an omission to redeem, attract the keen eyed and watchful speculator; but they are seldom brought to the personal knowledge of parties, whose only property consists of the lot of which they may be deprived by this remote, and to them not notified process. I trust that the Legislature can so regulate the transfer of the place of holding these sales, as to avoid the objections which have been made.

Under the present laws a very large amount of personal property entirely escapes taxation. I recommend such alteration as will distribute the burthen of taxation more equally, and will reach personal property more effectually and generally.

The levying of assessments for local or municipal purposes is frequently exercised so arbitrarily, and so oppressively, that the power

of the legislature has often been invoked for its arrest and limitation. I cannot doubt that the Legislature ought to interfere in favor of the rights of property, against the too frequent abuse of this power. The authority under which these abuses are committed, is derived from the Legislature; and that body is therefore, in a degree, held responsible for its exercises by those upon whom it has been conferred.

A large number of claims against the the State for damages on canal contracts, broken by the State, under the law of 1842, remain unadjusted. The State has already paid to contractors for their loss of profits, by reason of the suspension of the public works in 1842, the sum of \$450,738.91, and awards amounting to upwards of \$6,000, remain unpaid, by reason of the exhaustion of the appropriation to pay such claims. A further appropriation has become necessary.

Some of these unsettled claims amount to \$30,000 or \$40,000. They are decided by the Canal Board, which is also charged with the decision of all other claims under canal contracts, and of appeals from the awards of Canal Appraisers. This branch of its business, added to the other numerous and important official duties of the members of this Board, throws upon it an amount of labor beyond its ability to discharge. Delay inevitably results, and while the claimant is thus injured, the interests of the State are not properly secured, for want of adequate powers in the Board. There should be authority to dismiss a claim in default of its being brought to a hearing on an assigned day, and there should be some officer particularly charged to represent the State on the hearing of all claims for canal damages. It has been suggested that the interests of the State, as well as the claimants, would be advanced by relieving the Canal Board of this portion of its duties, and giving the decision of all claims under canal contracts to a Commission, with adequate powers to protect the interests of the State. I present the suggestion to your consideration.

A communication will be presented to you, as I am informed, by the Canal Appraisers, showing the awards made by their Board. A large amount is yet due for awards made more than a year since, as well as for those more recently made. An appropriation will be necessary to meet these awards. The communication of the Appraisers will suggest some alterations in the powers and duties of their Board, which will receive your careful consideration.

Much excitement has prevailed during the past year among the inhabitants of Richmond county, with respect to the location of the Quarantine buildings. For some time past the Hospital has been crowded with patients, suffering under malignant diseases; and during the last summer the yellow fever extended its ravages among the surrounding population. The grand jury of the county has presented the establishment as a nuisance, and has found bills of indictment against the officers of the State who have it in charge. A committee appointed by the last Legislature has been recently engaged in the investigation of the propriety and feasibility of selecting some other site for these buildings. I am not apprised of the facts which they have elicited, nor of the conclusion to which they have arrived. Their report will be laid before you, and will demand all the consid-

eration due to the health and comfort of the citizens, and to the important commercial interests so vitally concerned in the proper location of this establishment.

The constant increase of the commerce of the port of New York has given rise to an impression that the emoluments of the health officer of that port, whose compensation is derived from fees dependent upon the number of arrivals, are far beyond the amount necessary to secure the most eminent services of the medical profession. An officer charged with the important duties of that situation, should be liberally rewarded, but if the generally supposed compensation of this officer be not greatly overrated, the amount of his emoluments is excessive. If a reduction be proper, it may be made to take effect from the expiration of the term of office of the present incumbent.

Long previous to the passage of the laws of 1847, the necessity was felt of reorganizing our system of legislation with respect to emigrants, and of placing the subject of emigration on a basis better suited to existing and prospective exigencies. The great migratory movements of the human race, which has gone forward, under one form or another, from a very early period of history, equalising population, sowing along its path seeds of future strength and dominion, opening new fields for the arts and sciences, for religion and morals, founding new empires for freedom, and which in our days has had its chief direction from Europe to this country, had, of late years, assumed a magnitude which made it a subject of primary importance in the State where its effect is first and most felt. Wasted by cruel hardships on his voyage, the emigrant was the prey of systematic frauds and extortion, even before his foot touched the shore of his long looked for land of promise and of refuge. Friendless and destitute, with few about him, except those whose interest it was to wrong him; having neither the means nor the knowledge where to bestow his energies beneficially to himself, or to his new country, a short and ineffectual struggle against his lot, made him the inmate of an alms house, and the companion of paupers. This condition of things it was felt had existed too long, and if continued, would be a reproach to the civilization of our age, and to the humane spirit of our institutions, as well as a lasting injury to our State, which owes to emigration much of its prosperity and power. It became evident, then, that the State must no longer rely upon the efforts of county authorities, or of benevolent associations, but should itself assume the charge of a subject, in every respect so important, and that the immense annual emigration from Europe should be committed to a distinct department organised on a scale commensurate, not only with existing, but future necessities, and in such a wise policy as would render the emigration as beneficial as possible, both to the emigrant and to the community of which he comes to form a part.

During the session of 1847, a series of laws were passed, organizing, on a comprehensive and liberal basis, a board of Commissioners in the city of New York, with extensive powers, and making such provisions as appeared most conducive to the benevolent purposes in view. In the midst of the preliminary arrangements of this board,

an emigration unprecedented not merely in numbers, but in destitution and disease, was poured in upon it, and added to the embarrassments inseparable from the organization of a system so extensive and so complicated. But it was the good fortune of the State, and of the emigrant, to find in the integrity and devotion of the gentlemen entrusted with the arduous and responsible duties of Commissioners, resources adequate to the emergency. The beneficial results already obtained, furnish evidence of the wisdom and efficiency of the system. It is stated that since the passage of the laws alluded to, upwards of three hundred thousand emigrants have arrived at the port of New-York, not one of whom has become a charge to any city or county in the State.

For further details of interest and value, your attention is directed to the annual report of the Commissioners to be rendered according to law, to the Legislature. In the nature of things, experience, and the practical working of the system must disclose further improvements, which, doubtless, the Board of Commissioners will suggest, and which will receive full consideration at your hands.

The 7th section of article 8th of the Constitution, makes the stockholders in every corporation, and joint stock association for banking purposes issuing bank notes or any kind of paper credits, to circulate as money, after the first day of January next, individually responsible to the amount of their respective shares of stock, for all the debts and liabilities of every kind, contracted by the corporation or association after that day. In some of these institutions the State is a stockholder; in most of them, more or less of the stock belongs to infants, or is held by charitable institutions, or by trustees, and others acting in a fiduciary capacity; while large amounts belong to persons residing out of the State, and beyond the jurisdiction of our courts. I suppose this provision of the constitution to contemplate only an ultimate responsibility for deficiencies, after the exhaustion of the assets of the institution; and that it has left to the Legislature to declare the manner in which that responsibility shall be enforced, and in which contribution shall be made between the several associates. The near approach of the time when it will become operative, presents the necessity of considering this subject during this session of the Legislature.

The Code of Procedure adopted by the last Legislature, went into operation on the 1st of July last. It was not expected that a system, working so radical a change of long established rules, could be enacted without the necessity of numerous subsequent alterations, which time and experience would inevitably indicate. Many modifications will doubtless be brought to your notice, and I respectfully commend them to your serious consideration, in the hope that the defects inevitable in the commencement of a new system, of such comprehensive extent, however numerous, may not jeopard the many improvements which this Code has introduced.

The present operations of the Judicial System seems inadequate to the speedy administration of justice. In the Court of Appeals the business is accumulating; so also in the several districts of the

Supreme Court; although probably the largest accumulation is in the first district where the number of causes upon the calendars of the Supreme, as well as of the local courts in the city of New York, is increasing beyond the ability of the courts to dispose of them. I do not wish to infer that the difficulties thus far encountered, are necessarily inherent in the present system, but would rather entertain the hope that they may be found incidental to the change from an established to a new system, and the nearly simultaneous adoption of an entirely new Code of Practice in the courts, and that a remedy may be found within the reach of ordinary legislation, without resort to an amendment of the Constitution.

It has been suggested that relief might be obtained in the First District by an increase of the Judicial force, under the 4th section of article 6 of the Constitution; but the census of 1845, does not show such proportion between the population of the city of New-York and that of the rest of the State, as will maintain the conformity required in case of an increase of the number of Justices of the Supreme Court. I do not doubt that an addition to the number of the judges of the local courts in that city, will greatly contribute to the despatch of business, and will relieve much of the pressure upon the Supreme Court. I would also suggest an amendment of the judiciary act, whereby the business of the courts shall be so distributed as to leave to the circuits the mere trial of issues of fact.

The establishment of tribunals of conciliation, is a provision within the contemplation of the Constitution. Courts of this nature, although unknown among us, have been long in operation in other countries, and are represented to have been productive of great benefits by the prevention of litigation. The power of such tribunals being simply advisory, except so far as parties may voluntarily agree to abide their decision, can scarcely fail to produce an influence over a reasoning and moral people, in preventing lawsuits, sufficient to commend their establishment as a part of the system which the Constitution has contemplated, before we indulge in a sweeping condemnation of that system, or commence the work of amending the Constitution. In this view, I bring the subject to your consideration.

I make these suggestions with diffidence, as the subject has engaged able minds, but hitherto without effecting the desired relief. They present themselves to me as feasible modifications of the present system, short of an amendment of the Constitution, which I am unwilling to recommend.

During the past year, the war in which our country had been so unhappily involved with the neighboring Republic of Mexico, has been brought to an end. The conduct of that war reflects the highest possible credit upon the officers and men who have achieved a series of victories unparalleled and uninterrupted from the first brilliant success of our arms on the banks of the Rio Grande, down to the crowning act of the war, the capture of the capital of Mexico. The gratitude of the American people has been most cheerfully accorded to the officers and men of those gallant armies, who, in spite of jealousies at home, thwarting and embarrassing their action, have added

lustre to the American name. Nor are the services of the navy forgotten by hearts grateful for deeds of valor.

After the commencement of this war, but one feeling animated the whole country. The consideration of its origin was for the time suspended, by the fact of its existence; and among the most ardent of those engaged in the actual conflict of arms; as also among the most active supporters at home, of the vigorous prosecution of the war, were men who thought that war not only unwise and impolitic, but neither just nor necessary. They had had no agency in its commencement, but while hostilities were raging, they cheerfully gave their best energies to their country, reserving their opinion as to the causes which had induced the war, until the restoration of peace should furnish occasion to review the conduct of those who had been charged with the administration of the government.

If the valor and the prowess of our people were established in the field, their philanthropy and justice have been vindicated by their condemnation of the measures and the policy which had broken the silken cords of peace, and involved two Christian nations in the horrors of war.

Among the consequences of the late war with Mexico, has been the acquisition by the government of the United States, of a large extent of new territory. I am sustained by the decision of the highest judicial tribunal in the Union, in the opinion, that while the relations of the inhabitants of the newly acquired territory, with their former government are dissolved, and new relations established between them and the government of the United States, to whom their allegiance is now transferred, yet, that the laws which regulated the intercourse and general conduct of individuals within that territory at the time of the transfer, remain in force, until altered by the newly created power. Among the laws of Mexico in force, within this territory at the time of its acquisition, was one for ever abolishing slavery. The change of sovereignty over the territory, has not affected the validity or the force of this law, which, according to the established principles of international law, and the decisions of our own courts, remains in force and is operative at the present day, to the exclusion of Slavery from that territory. An effort however is being made to abrogate or annul that law, if not by its actual repeal through a direct legislative enactment, at least by indirect means, the effect, if not the object of which will be to permit the introduction of slaves within the territory. -

However we may deprecate the necessity of discussing a question of a nature to excite sectional prejudices or fears, we may no longer avoid the consideration of one which is now of present, practical and paramount importance.

The State of New-York early manifested her attachment to the principles of universal Freedom and her repugnance to the institution of human slavery. Holding that the Constitution of the United States at the time of its adoption, found slavery to exist within and by virtue of the laws of the several States, and therefore recognized the fact of its existence as a State institution, without giving to it,

in any degree, a national or constitutional character or existence, but left it entirely dependent for its continuance and its regulation, upon the legislation of the several States, our State, half a century since, commenced a course of legislation for the gradual, but certain extinction of slavery within her borders. As a party to the federal compact, she has ever adhered, strictly and literally, to the compromises of the constitution, and has not sought to interfere with the domestic institution, or to disturb the internal policy, of any of the other parties to the compact; but has left each to exercise, in its own way, the same power under which she has proclaimed freedom to all men within her limits. This course she will continue faithfully to pursue, and while she will not intermit the expression of her attachment to the principles of universal freedom, and of her abhorrence of human bondage, she will abstain from all interference with the domestic institutions of other States, beyond that moral influence which must attend the force of her example, and the expression of her deep-seated convictions.

The "compromises of the constitution," as they are familiarly termed, do not of right extend to territory beyond the limits of the original thirteen States. The privileges which they concede may be granted but cannot be claimed for any newly acquired territory. The question now presented, is not one of interference with an existing institution, for the soil to which it refers is free. By pre-existing laws, no slavery exists there, nor can it exist there, without either the express or the tacit assent of the old States. It is then a question of the introduction of slavery into territory from which it is now excluded, and the consequent political representation of slaves in the Federal Congress, whenever the new territory shall be organised into State Governments, and admitted as such into the confederacy.

If there be any one subject upon which the people of the State of New-York approach near to unanimity of sentiment, it is in the fixed determination to resist the extension of slavery over territory now free. With them it involves a great moral principle, and overrides all questions of temporary or of political expediency. None venture to dissent; and in the mere difference of degree in which the sentiment receives utterance, it has proven powerful even to the breaking down of the strong barrier of party organization. This sentiment is not of recent origin with our people. It was this sentiment which, fifty years ago, prompted the abolishment of slavery in this State. It was this nearly unanimous sentiment of the people which was reflected, and received utterance in the voice of our State Legislature, at the period of the agitation of the question, on the admission of Missouri into the Union. Slavery not only existed at that time within the limits of Missouri, but was legalized within the whole of the territory acquired by the United States under the treaty with France. The people of our State were induced to yield their assent to a compromise then made, whereby a State permitting slavery was admitted into the Union, formed out of territory not embraced within the compromises of the Constitution, by the consideration that slavery and

involuntary servitude should be forever excluded from the remaining portion of the territory within which slavery was theretofore authorized. They yielded the political advantage of slave representation, by a portion of the territory, for the moral triumph of establishing freedom throughout the remainder.

They are now asked to become parties to the extension of slavery over territory already free. Their answer may be read in their past history. I believe that it is almost, if not entirely, the unanimous decision of the people of this State, that under no circumstances will their assent be given to any action whereby the institution of slavery shall be introduced into any part of the territory of the United States, from which it is now excluded.

During the past year, the people of the United States have exhibited another instance of the peacefulness and order with which they select the Magistrates to whom they confide, for a time, the powers of Government. The universal acquiescence in the decision of the majority, indicated immediately and unhesitatingly after the strife of the contest, affords the most encouraging assurance that the perpetuity of our institutions is not jeopardized by differences of opinion with respect to the individuals to be intrusted with power.

The recent elections throughout the Union have had the effect to restore to the People, through their more immediate representatives, much of the power which had been gradually tending toward the Executive. They have declared that the will of the People, on questions affecting their interests and welfare, as expressed through their representatives, ought to be respected and carried out by the Executive. They have proved that the American People value Peace, and the advancement of humanity, as the true ends and objects for which a Republican Government was founded. They have given expression to the sentiment, that the constitutional powers of our Government are beneficent in their design, and they have administered a rebuke to that creed which holds Government to a state of inaction on the subject of Education, Industry, Internal Improvements, and other kindred measures, looking to the happiness of man, the advancement of Freedom, and the melioration of the Social and Political System.

I have thus endeavored to comply with the requirements of the Constitution, which makes it my duty to communicate to the Legislature the condition of the State, and recommend such matters as I may judge expedient. It has been my aim to state facts, and to make suggestions, without more of detail, or of argument, than seemed necessary to a clear statement of the subject. I have entered upon this responsible task with much diffidence; relying upon the indulgence of a generous constituency, ever ready to excuse errors of the understanding, if accompanied by sincerity of purpose, and purity of motive.

I now submit these matters to your enlightened consideration, with the assurance of my most cordial co-operation in all your efforts to advance the varied interests of our great State—confident that your deliberations and actions will be earnestly directed to such ends



as will promote the public interests, and advance the cause of Religion, Learning, Morality and Happiness. I invoke upon those deliberations and actions, the blessings, and the guidance of that Almighty Being who rules the Universe—in whose hands the wisest of men are but humble agents of His will:

HAMILTON FISH.

ALBANY, January 2, 1849.

On motion of Mr. Wilkin,

The message was laid on the table, and ten times the usual number of copies ordered printed.

Mr. Wilkin offered the following resolutions; which were ordered printed, and laid on the table:

WHEREAS, the people of the state of New-Mexico have petitioned Congress for the establishment of a territorial government which shall protect them against the institution of domestic slavery while they remain a territory of the United States; and have also petitioned Congress for protection against the unfounded claims of the state of Texas to a large portion of their territory, lying east of the Rio Grande; and whereas it would be unjust to the people of New-Mexico, and revolting to the spirit of the age, to permit domestic slavery—an institution from which they are now free—to be introduced among them: and whereas, since the acquisition of New-Mexico by the United States, the people thereof have a right to expect the protection of the general government, and should be secured in the full possession and enjoyment of their territory: Therefore,

*Resolved*, (if the Assembly concur,) That our senators and representatives in Congress, be requested to use their best efforts to procure the passage of laws for the establishment of governments for the territory acquired by the late treaty of peace with Mexico; and that, by such laws, involuntary servitude, except for crime, be excluded from such territories.

*Resolved*, (if the Assembly concur,) That the territory lying between the Nueces and Rio Grande, is the common property of the United States, and that our senators and representatives in Congress be requested to use their best efforts to preserve the same as such common property, and protect it from the unfounded claims of the state of Texas, and prohibit the extension over it of the laws of Texas, or the institution of domestic slavery.

*Resolved*, (if the Assembly concur,) That the existence of prisons for the confinement, and marts for the sale of slaves, at the seat of the national government, where foreign governments are represented by their ministers, is viewed by this legislature with deep regret and mortification; that such prisons and marts ought forthwith to be abolished: Therefore, be it further

*Resolved*, (if the Assembly concur,) That our senators and representatives in Congress be requested to use their strenuous efforts to procure the passage of a law that shall protect slaves from unjust imprisonment, and shall effectually put an end to the slave trade in the District of Columbia.

Mr. Fine moved that the resolutions offered by Mr. Wilkin be made a special order for to-morrow, Wednesday.

Mr. Floyd moved to amend by substituting Thursday.

The President put the question on agreeing to the amendment, and it was lost, and then the original resolution was adopted.

On motion of Mr. Smith,

*Resolved*, That the rules and orders of the Senate, which were in force as amended during the last session, be adopted as the rules and orders of the present session.

Mr. Cornwell offered for the consideration of the Senate the following resolution, to wit :

*Resolved*, That a committee of two be appointed to prepare thirty-two ballots, and superintend the drawing of the same, in the following manner, viz : when said ballots shall have been properly prepared, the Clerk shall call the names of Senators in their order, and as the names are called one of the pages of the Senate, to be designated by the President, shall draw from a box one of the prepared numbers, and the number so drawn shall designate the seat of the Senator whose name was then in order.

The President put the question on agreeing to the resolution, and it was decided in the affirmative as follows :

#### FOR THE AFFIRMATIVE.

Mr. Bond	Mr. Colt	Mr. Fuller
Mr. Brownson	Mr. Cook	Mr. Martin
Mr. Burch	Mr. Cornwell	Mr. Smith
Mr. Bush	Mr. Fine	Mr. Whallon
Mr. Coffin	Mr. Fox	Mr. Wilkin
		15

#### FOR THE NEGATIVE.

Mr. Adams	Mr. S. H. P. Hall	Mr. Little
Mr. Betts	Mr. Johnson	Mr. Treadwell
Mr. Floyd	Mr. Lawrence	Mr. Williams
Mr. Frost		
		10

*Ordered*, That Mr. Cornwell and Mr. Adams be such committee.

On motion of Mr. Floyd, the vote agreeing to the passage of the resolution in relation to the drawing of seats, offered by Mr. Cornwell, was reconsidered, and

On motion of Mr. S. H. P. Hall,

*Ordered*, That said resolution be laid upon the table.

On motion of Mr. Smith,

The hour for meeting to-morrow morning was fixed at eleven o'clock ; and then,

The Senate adjourned till to-morrow morning at eleven o'clock.

WEDNESDAY, 11 O'CLOCK, A. M., JANUARY 3, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Sprague.

The journal of yesterday was read and approved.

Mr. Thomas E. Clark, Senator from the nineteenth district, appeared and took his seat.

Mr. S. H. P. Hall presented the petition of the Oneida Annual Conference of the Methodist Episcopal Church, asking to be incorporated, which was referred to the committee on charitable and religious societies.

Mr. Adams presented the petition of John Young, James Harper, C. W. Lawrence, A. H. Mickle, and other citizens of the city of New-York, for the incorporation of the Saratoga Mineral Waters Company, for the purpose of conducting the waters of the mineral springs of Saratoga to the city of New-York and intermediate places, which was referred to a select committee.

*Ordered*, That Mr. Adams, Mr. Lawrence and Mr. Cook be such committee.

Mr. Lawrence presented papers in the matter of the application of Margaret Ann Mango, widow, for a release of escheat of lands in Marlborough, Ulster county, which were referred to the committee on the judiciary.

Mr. Geddes presented the petition of William L. Geer, for a law authorising the appraisement of his damages, occasioned by the construction of the Erie canal, which was referred to the committee on claims.

Mr. Fine presented the petition of Margaret McCullough, for the release of certain escheated lands, which was referred to the committee on the judiciary.

Mr. Hawley presented the petition of inhabitants of district No. 5, in Bath, for a law to establish a free school in said district, which was referred to the committee on literature.

Mr. Fine presented the petition of James Ballentine, for the release of certain escheated lands, which was referred to the committee on the judiciary.

Mr. Lawrence presented the petition of the New-York Fire Department, in relation to foreign insurance companies, which was referred to the Senators from the several districts included in the city of New-York.

The President laid before the Senate a communication from the Bank of America, in relation to unclaimed dividends and deposits, which was referred to the committee on banks and insurance companies.

Mr. Coffin gave notice that he would at an early day, ask leave to bring in a bill to amend the seventy-third section of title four of chapter second, part four, of the Revised Statutes.

Mr. Fine gave notice that he would, at an early day, introduce a bill to lessen the severity of criminal punishments.

Mr. Clark gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the city of Utica by authorising the election of one supervisor in each ward in said city.

Mr. Fine gave notice that he would, at an early day, ask leave to introduce a bill to vest certain legislative powers in the boards of supervisors.

Mr. Hawley gave notice that he would, at an early day, ask leave to introduce a bill to establish free schools throughout the State.

In pursuance of previous notice and by unanimous consent,

Mr. Coffin asked for and obtained leave to bring in a bill entitled, "An act to amend the seventy-third section of title four, of chapter second, part four of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Lawrence,

*Resolved*, That so much of the Governor's message as relates to the finances of the State, be referred to the committee on finance:

That so much thereof as relates to vacancies in office; to the transfer of powers in regard to local matters to the boards of supervisors; to the modification of the criminal code; and to the present operations of the judicial system, be referred to the committee on the judiciary:

That so much thereof as relates to canals, be referred to the committee on canals:

That so much thereof as relates to the individual liability of stockholders in banking corporations and associations, be referred to the committee on banks and insurance companies:

That so much thereof as relates to schools, academies and colleges, and to the establishment and support of libraries for the use of the public, be referred to the committee on literature:

That so much thereof as relates to agriculture, and to the endowment of an agricultural school and of a school for instruction in the mechanic arts, be referred to the committee on agriculture:

That so much thereof as relates to the militia, and the arms and other military material of the State, be referred to the committee on the militia:

That so much thereof as relates to the State prisons, the pardoning power, and the manner of applying for pardons, be referred to the committee on State prisons:

That so much thereof as relates to charities of the State and of incorporated societies, be referred to the committee on charitable and religious societies:

That so much thereof as relates to the health officer of the port of New-York; to emigrants arriving within this State; and to the board of commissioners of emigration in the city of New-York, be referred to the committee on commerce and navigation:

That so much thereof as relates to the quarantine buildings in Richmond county, be referred to the committee on public buildings.

That so much thereof as relates to a revision and alteration of the laws respecting taxes and assessments for local improvements and municipal purposes, be referred to a select committee:

That so much thereof as relates to the recent territorial organizations of the United States, and to any attempted introduction of the institution of slavery therein, be referred to the committee of the whole, having under consideration the resolutions offered to the Senate on the same subject, by the Senator from the ninth district.

The special order for to-day being the resolutions offered by Mr. Wilkin on the subject of free territory and the slave trade in the District of Columbia, was announced, and

On motion of Mr. Wilkin,

*Ordered*, That its consideration be postponed till to-morrow, Thursday.

On motion of Mr. Smith,

*Resolved*, That when the Senate adjourns it will adjourn to meet at 11 o'clock, A. M., and that it will continue to meet daily at that hour until otherwise ordered.

And then the Senate adjourned till to-morrow morning at eleven o'clock.

THURSDAY, 11 O'CLOCK, A. M.. JANUARY 4, 1849.

The Senate met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Cornwell presented the petition of George Underwood and others of the city of Auburn, for the establishment of a savings bank in said city, which was referred to the committee on banks and insurance companies.

Mr. Little presented the resolutions of the board of supervisors of Otsego county in relation to the publication of certain expenditures, which was referred to the committee on public expenditures.

Mr. Martin presented resolutions of the board of supervisors of Chautauque, asking for a tax of one thousand dollars on each of the counties of Erie and Chautauque for the purpose of building a bridge at Irving over the Cattaraugus creek, which was referred to the committee on roads and bridges.

Mr. Adams presented the petition of H. D. Boughton asking the

passage of a law authorising the comptroller to pay him the amount of a certificate of deposit of the bank of Lyons, from the safety fund, which was referred to the committee on finance.

Mr. Coffin gave notice that he would, at an early day, ask leave to introduce a bill to abolish capital punishment.

Mr. Johnson gave notice that he would, at an early day, ask leave to introduce a bill for the appointment of referees in the city of New-York.

Mr. Bush gave notice that he would, at an early day, ask leave to introduce a bill to prevent the collection of more than one bill of costs when several suits shall be brought against the maker and endorsers of a note, or against the drawer, acceptors or endorsers of a bill of exchange.

Mr. Fine gave notice that he would, at an early day, ask leave to introduce a bill to exempt from execution the homestead of an householder having a family.

In pursuance of previous notice,

Mr. Fine, asked for and obtained leave to introduce a bill entitled, "An act to vest in the boards of supervisors certain legislative powers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice,

Mr. Fine, asked for and obtained leave to introduce a bill entitled, "An act to lessen the severity of criminal punishment," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. S. H. P. Hall,

*Resolved*, that the Sergeant-at-Arms of the Senate be directed to ascertain if the full number of Agricultural reports intended to be printed by the last Legislature, have been distributed to the members, if not, that it be done forthwith.

Mr. Cornwell offered the following concurrent resolution for the consideration of the Senate:

*Resolved*, (If the Assembly concur,) That the secretary of State be and is hereby requested to collect and deposite in some safe and proper place, the books belonging to the State, and which are included in the library of the court of chancery, and chancellor's library: Also, such books if any, as were in the library of the late supreme court and in the possession of the judges thereof, and which are not now in the custody of some of the judges elected as judges of the court of appeals; and that a report of his proceedings, together with a catalogue of books collected be transmitted to the Legislature at as early a period as practicable.

In conformity with the thirty-eighth rule of the Senate, this resolution lies over one day.

Mr. Cornwell gave notice that he would, at an early day, ask leave to introduce a bill to incorporate a savings institution, to be located at the city of Auburn.

The president announced the following standing and select committees of the Senate, stating that the other committees of the Senate would remain as organised at the last session.

*On Claims.*

Mr. Williams,  
Mr. Floyd, .

Mr. Bokee.

*On Finance.*

Mr. Lawrence,  
Mr. Colt,

Mr. Adams.

*On Canals.*

Mr. Fuller,  
Mr. Tamblin,

Mr. Martin.

*On Banks and Insurance Companies.*

Mr. Cook,  
Mr. Smith,

Mr. Coffin.

*On Agriculture.*

Mr. Bush,  
Mr. Johnson,

Mr. Colt.

*On Expiring Laws.*

Mr. Cole,  
Mr. Burch,

Mr. Tamblin.

*Select committee on so much of the Governor's message as relates to city assessments, &c.,*

Mr. Johnson,  
Mr. Clark,

Mr. Bush.

The special order for the day being the resolutions offered by Mr. Wilkin on the subject of slave territory and the slave trade in the district of Columbia, was announced, and

On motion of Mr. Wilkin,

*Ordered,* That the Senate do now resolve itself into committee of the whole on said resolutions.

The committee of the whole, Mr. Cornwell in the chair, considered the said resolutions, and after some time spent thereon, Mr. Cornwell, from said committee, reported the said resolutions as amended, for the consideration of the Senate.

Mr. Floyd called for a division of the question on agreeing to the report of the committee recommending the passage of the said resolutions.

Mr. Floyd proposed to amend the first resolution by adding at the end thereof:

"And as the people of this State are nearly unanimous in their opposition to the further extension of slavery, such unanimity having been made apparent during the recent presidential canvass, in which the several candidates were pledged by their advocates to be opposed to such extension, the people have, therefore, a right to expect that the President elect, General Zachary Taylor, will redeem the pledges of his friends by a decided and active opposition to all attempts to introduce the institution of slavery into territory now free."

The President put the question upon agreeing to the said amendment, which was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Floyd	Mr. Smith	
Mr. Fine	Mr. Hawley	Mr. Whallon	6

FOR THE NEGATIVE.

Mr. Bond	Mr. Cornwell	Mr. Lawrence	
Mr. Brownson	Mr. Fox	Mr. Little	
Mr. Burch	Mr. Frost	Mr. Martin	
Mr. Bush	Mr. Fuller	Mr. Treadwell	
Mr. Clark	Mr. Geddes	Mr. Wilkin	
Mr. Coffin	Mr. S. H. P. Hall	Mr. Williams	
Mr. Colt	Mr. Johnson		20

Mr. Hawley moved further to amend the report of the committee by striking out of the second line of the said resolution the words "in Congress," and inserting in the first line after the word "Senators" the words "in Congress be instructed," so that the whole resolution shall read as follows:

*Resolved*, (if the Assembly concur,) That our Senators in Congress be instructed, and our Representatives be requested to use their best efforts to procure the passage of laws for the establishment of governments for the territory acquired by the late treaty of peace with Mexico; and that, by such laws, involuntary servitude, except for crime, be excluded from such territories.

The President then put the question upon agreeing to the said amendment, and it was decided in the affirmative.

The question then being on the adoption of the first resolution as amended,

The President put the question upon agreeing to said resolution, and it was decided in the affirmative, as follows:



## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Little
Mr. Brownson	Mr. Frost	Mr. Martin
Mr. Burch	Mr. Fuller	Mr. Smith
Mr. Bush	Mr. Geddes	Mr. Treadwell
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin
Mr. Cornwell	Mr. Johnson	Mr. Williams
Mr. Fine		

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Mr. Cook asked and obtained the unanimous consent of the Senate that his name be recorded in the affirmative.

The question next coming on the second resolution,

*Resolved*, (if the Assembly concur,) That the territory lying between the Nueces and Rio Grande, and that portion of New-Mexico lying east of the Rio Grande, are the common property of the United States, and that our Senators and Representatives in Congress be requested to use their best efforts to preserve the same as such common property, and protect it from the unfounded claims of the State of Texas, and prohibit the extension over it of the laws of Texas, or the institution of domestic slavery.

Mr. Hawley moved to amend the report of the committee, by inserting the word "if" in the first line of the resolution, between the words "that" and "the."

The President put the question upon agreeing to the said amendment, and it was decided in the negative.

The President then put the question upon agreeing to the said second resolution, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Mr. Bond	Mr. Cornwell	Mr. Johnson
Mr. Brownson	Mr. Fine	Mr. Lawrence
Mr. Burch	Mr. Fox	Mr. Little
Mr. Clark	Mr. Frost	Mr. Martin
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Colt	Mr. Geddes	Mr. Wilkin
Mr. Cook	Mr. S. H. P. Hall	Mr. Williams

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## FOR THE NEGATIVE.

Mr. Betts	Mr. Smith	Mr. Whallon
Mr. Floyd		

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And then the question coming on the third resolution reported by the committee,

*Resolved*, (if the Assembly concur,) That the existence of prisons for the confinement, and marts for the sale of slaves, at the seat of the national government, is viewed by this legislature with deep regret and mortification; and that such prisons and marts ought forthwith to be abolished: Therefore be it further

Mr. Cornwell moved to insert the words, "where personal rights should be protected from invasion," after the word "government" in the third line.

The President put the question upon agreeing to said amendment, and it was decided in the negative.

On motion of Mr. Wilkin,

The words "therefore be it further" were struck out of the last line.

The President then put the question on agreeing to the report of the committee on the third resolution; and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Burch	Mr. Frost	Mr. Smith
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook	Mr. Hawley	Mr. Williams
Mr. Cornwell	Mr. Johnson	

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And then the question coming on agreeing to the report of the committee on the fourth resolution,

*Resolved*, (if the Assembly concur,) That our Senators and Representatives in Congress be requested to use their strenuous efforts to procure the passage of a law that shall protect slaves from unjust imprisonment, and shall effectually put an end to the slave trade in the District of Columbia.

On motion of Mr. Geddes and by unanimous consent,

The words "in Congress be instructed" were inserted after the word "Senators" in the first line, and the words "in Congress" struck out in the second line.

The question then being on the resolution as amended,

The President put the question upon agreeing to the same, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Burch	Mr. Frost	Mr. Smith

Mr. Clark  
Mr. Coffin  
Mr. Colt  
Mr. Cook  
Mr. Cornwell

Mr. Fuller  
Mr. Geddes  
Mr. S. H. P. Hall  
Mr. Hawley  
Mr. Johnson

Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin  
Mr. Williams

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Mr. Geddes moved to reconsider the vote by which the second resolution had been adopted.

The President put the question upon agreeing to the said motion to reconsider said vote, and it was decided in the affirmative.

Mr. Geddes then moved to amend the said resolution, by inserting in the third line after the word "Senators" the words "in Congress be instructed," and by striking out in the third line the words "in Congress."

The President put the question upon agreeing to the said amendment, and it was decided in the affirmative.

The question then being on the adoption of the second resolution as amended,

The President put the question upon agreeing to the same, and it was decided in the affirmative.

The question being on the adoption of the fifth resolution reported from the committee,

*Resolved*, (if the Assembly concur,) That the Governor be requested to forward copies of the foregoing resolutions to each of our Senators and Representatives in Congress.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative.

*Ordered*, That the resolutions as reported from the committee of the whole and amended, be adopted, and transmitted to the Assembly for their concurrence.

On motion of Mr. Geddes,

*Resolved*, That the civil engineers of this State be allowed the use of the Senate chamber for their convention, for the evening of this day and of to-morrow.

And then the Senate adjourned till to-morrow morning at eleven o'clock.

FRIDAY, JANUARY 5, 11 O'CLOCK A. M.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Wyckoff.

The Journal of yesterday was read and approved.

Mr. David A. Bokke, Senator from the second district, appeared and took his seat.

Mr. Martin presented two petitions of citizens of Chautauque county, for a repeal of the law of 1848 extending Third-street in the village of Jamestown, which was referred to the committee on cities and villages.

Mr. Martin also presented the resolution of board of supervisors of Chautauque county, for a law to provide for filling the vacancy of county judge and surrogate, which was referred to the committee on the judiciary.

Mr. Bush presented the petition of Charles Ellet for an act of incorporation of a company to construct a suspension bridge across the Niagara river near the falls of Niagara, which was referred to the committee on roads and bridges.

Mr. Lawrence presented the petition of the Atlas Insurance Company for further time for the organization of the Atlas Mutual Insurance Company in the city of New-York, which was referred to the committee on banks and insurance companies.

Mr. Lawrence also presented the petition of Eliza Juliana Matthews and Mary H. Jenkins, for the repeal of certain acts of the Legislature and to effectuate certain letters patent, which was referred to the committee on the judiciary.

Mr. Burch presented the petition of Calvin Christie for the reimbursement of certain moneys paid for taxes, which was referred to the committee on claims.

Mr. Bokee presented the petition of the American Baptist Home Missionary Society for an amendment in their charter, which was referred to the committee on charitable and religious societies.

Mr. Bokee also presented the petition of Enos Collins, an alien, for authority to purchase and hold real estate, which was referred to the committee on the judiciary.

Mr. Geddes, from the committee on roads and bridges, to which was referred the petition for that purpose, reported a bill to provide for the construction of a bridge across the Cattaraugus creek at Upper Irving, which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole.

*(See Senate Bill No. 2.)*

Mr. Wilkin, from the committee on the judiciary, to which was referred the bill introduced on notice by Mr. Coffin, entitled "An act to amend the seventy-third section of title four, chapter two, part four of the Revised Statutes," reported in favor of the passage of the same, which was committed to the committee of the whole.

*(See Senate Bill No. 1.)*

Mr. Wilkin, from the committee on the judiciary, to which was referred the petitions for that purpose, reported a bill entitled, "An

act to release the interest of the State in certain lands whereof Lewis C. Mango died possessed to Margaret Ann Mango," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 3.)

Mr. Fine, from the same committee, reported a bill entitled, "An act for the relief of the devisees of Henry McCollugh, deceased," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 4.)

Mr. Fine, from the same committee, reported a bill entitled, "An act for the relief of the devisees of John Ballantine, deceased," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 5.)

In pursuance of previous notice,

Mr. Fine asked for and obtained leave to bring in a bill entitled, "An act to exempt the homestead of a householder having a family," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice,

Mr. Coffin asked for and obtained leave to introduce a bill entitled, "An act to abolish capital punishment," which was read the first time, and by unanimous consent was also read the second time, and referred to a select committee.

*Ordered*, That said committee consist of Messrs. Coffin, Hawley and Cornwell:

In pursuance of previous notice,

Mr. Hawley asked for and obtained leave to introduce a bill entitled, "An act establishing free schools throughout the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

On motion of Mr. Treadwell,

*Resolved*, That the petition and papers relating to the claim of Henry Rector as architect of the new State Hall be taken from the files, and referred to the committee on claims.

On motion of Mr. Martin,

*Resolved*, That a respectful message be transmitted to the house of Assembly, requesting them to transmit to the Senate, the papers now on their files, in the matter of the claim of Packard Bruce for

canal damages and when received that they be referred to the committee on canals.

On the motion of Mr. Wilkin.

*Resolved*, That a respectful message be transmitted to the House of Assembly, for the petitions and other papers in relation to the claim of Elizabeth Gill and others, heirs of Thomas Mott.

In pursuance of previous notice,

Mr. Clark asked for and obtained leave to bring in a bill to amend the charter of the city of Utica, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

In pursuance of previous notice,

Mr. Johnson asked for and obtained leave to bring in a bill for the appointment of referees in the city of New-York, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Cook gave notice that he would, at an early day, ask leave to introduce a bill to amend the act establishing the State Lunatic Asylum.

Mr. Treadwell gave notice that he would, at an early day, ask leave to introduce a bill for the relief of George W. Murray.

Mr. Fuller offered for the consideration of the Senate the following resolution

*Resolved*, That a committee of two be appointed to prepare thirty-two ballots and superintend the drawing of the same in the following manner viz: when said ballots shall have been properly prepared, the clerk shall call the names of Senators in their order and as the names are called one of the pages of the Senate, to be designated by the President, shall draw from a box one of the prepared numbers, the number so drawn shall designate the seat of the Senator whose name is then in order: provided that any Senator may exchange the seat drawn by him with any other Senator by mutual consent before the 8th day of January instant, and as soon thereafter as may be, the seats shall be renumbered to correspond with the numbers of the Senators occupying them, and the number of each Senator shall also be pasted on the front of his seat for the convenience of the President.

The President put the question upon agreeing to said resolution, and it was decided in the negative.

The Senate then resolved itself into a committee of the whole, on the bill entitled, "An act to amend the 73d section of title 4, chapter 2, part 4 of the Revised Statutes," and after considering the same:

Mr. Bokee from said committee reported progress and leave was asked for and granted for the committee to sit again.

Mr. Bokee, by the leave of the Senate, was excused from serving as a member of the committee on claims.

Leave of absence was granted to Mr. Brownson for ten days.

And then the Senate adjourned until 11 o'clock to morrow morning.

SATURDAY, 11 O'CLOCK A. M., JANUARY 6, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Wyckoff.

The Journal of yesterday was read and approved.

A. Hyde Cole, Senator from the twenty-eighth district, appeared and took his seat.

Mr. Martin presented the petition of Nathaniel Mather, praying that his farm may be released from the lien of a certain mortgage given to the commissioners of loans in the county of Chautauque, which was referred to the committee on the judiciary.

Mr. Wilkin presented the petition of Elizabeth Pitt and others, children of Thomas Mott, deceased, a revolutionary soldier, for bounty lands, which was referred to the committee on claims.

Mr. Little presented the petition of the New-York Floating Dry Dock Company for an amendment of their charter, which was referred to the committee on commerce and navigation.

The President laid before the Senate the reports of the Butcher's and Drover's Bank of the city of New-York and of the Farmer's Bank of Troy in relation to unclaimed dividends and deposits, which were referred to the committee on banks.

The President announced Mr. Clark, of the nineteenth district, as a member of the committee on claims, in the place of Mr. Bokee, resigned.

Mr. Martin, from the committee on canals, to which was referred the petition for that purpose, reported a bill entitled, "An act to authorise the appraisal and payment of canal damages sustained by Packard Bruce," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 6.)*

In pursuance of previous notice,

Mr. Treadwell asked for and obtained leave to introduce a bill entitled, "An act for the relief of George W. Murray," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

In pursuance of previous notice,

Mr. Burch reported a bill entitled, "An act to prevent the collection of more than one bill of costs in several actions on one installment," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bush gave notice that he would, at an early day, ask leave to introduce a bill in relation to damages on the Genesee Valley

canal by the diversion of water power from the Genesee river into the canal.

Mr. Colt gave notice that he would, at an early day, ask leave to introduce a bill to amend the act to provide for the construction of a railroad from Geneseo to the Genesee Valley canal, passed April 11, 1848.

Mr. Fine gave notice that he would, at an early day, ask leave to introduce an act in relation to pardons.

On motion of Mr. Treadwell,

*Ordered*, That the papers relating to the Albany Trust and Savings Bank be taken from the files and referred to the committee on banks and insurance companies.

On motion of Mr. Fuller,

*Ordered*, That a respectful message be transmitted to the Assembly, requesting them to transmit to the Senate the petition of Cicero Collins and others, and accompanying papers, on file in that House, and that the same, when transmitted, be referred to the committee on canals.

On motion of Mr. Martin,

*Ordered*, That a respectful message be transmitted to the Assembly, requesting them to transmit to the Senate the papers in relation to a certain mortgage executed by Pellum Barker to the commissioners of loans of the county of Chautauque, and when received that they be referred to the committee on the judiciary.

Mr. Williams offered for the consideration of the Senate the following resolution :

*Resolved*, That the Senate committee on Banks be a committee to examine and inquire into the affairs of the Canal Bank of Albany and report at an early day the causes of the failure of said bank the deficiency of the assets to meet its liability, specifying the amount due to the state from said bank, and whether it is secured, and if so how : also that said committee report whether, in their opinion, the existing associated safety fund banks, should be required to contribute to a fund sufficient to pay off the creditors of said Bank (after the assets are exhausted) and also to save harmless, innocent stockholders in said existing safety fund banks from loss on account of personal liability which is to take effect in 1850, and to protect creditors in case of future failures.

By consent of the mover the said resolution lies over one day.

The President laid before the Senate the following communication :

*To the Clerk of the Senate :*

SIR—At a session of the New-York State Convention of civil engineers, held at the capitol last evening, the following resolution was unanimously adopted :



*Resolved*, That the thanks of this convention be returned to the Honorable the Senate for their politeness in allowing us the use of their chamber for our deliberations.

Respectfully submitted,

F. A. UTTER, *Secretary*.

*Albany January 6, 1849.*

*Ordered*, That the same be placed on the files of the Senate.

The Senate then resolved itself into a committee of the whole on the bill to release the interest of the State in certain real estate of which Lewis Ciprien Mango, an alien, died possessed, to Margaret Ann Mango, his widow; and after some time spent thereon, Mr. Hawley, from said committee, reported that the said committee had gone through with the said bill, and amended the same, and as amended, reported it to the Senate.

The President put the question upon agreeing with the report of the committee, and it was decided in the affirmative.

*Ordered*, That the bill be engrossed for a third reading.

And then the Senate adjourned till Monday morning at 11 o'clock.

## MONDAY, 11, O'CLOCK A. M. JANUARY 8, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Barry.

The Journal of yesterday was read and approved.

Mr. Johnson presented the petition of the chiefs of the first Christian party of the Oneida Indians residing at Buck Creek Wisconsin, which was referred to the committee on Indian affairs.

Mr. Little presented the petition of citizens of Albany that the Legislature may pass resolutions to have the United States constitution so amended, as that the President, Senators &c., shall be chosen by the direct ballot of the people and slave representation restricted, which was referred to the committee on the judiciary.

Mr. Little also presented the petition of the citizens of Albany that the rate of interest may be reduced to six per cent, and the penalty for usury for forfeiture of excess of interest, which was referred to the committee on the judiciary.

Mr. Geddes, presented the petition of the directors of Dexter, Brownville and Pamela plank road company and others, which was referred to the committee on roads and bridges.

Mr. Little, from the committee on charitable and religious societies, to which was referred a petition for that purpose, reported a bill en-

titled, "An act to amend the act entitled, 'An act to incorporate the American Baptist Home Missionary Society,' passed April 12, 1843," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 7.)*

Mr. Fine, from the committee on the judiciary, reported a bill entitled, "An act to lessen the severity of criminal punishment," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 8.)*

Mr. Fine, from the same committee, reported a bill entitled, "An act to vest in the boards of supervisors certain legislative powers," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 9.)*

Mr. Lawrence, from the committee on finance, to which was referred the petition for that purpose, reported a bill entitled, "An act for the settlement of the claims of Henry D. Boughton against the Bank of Lyons," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 10.)*

Mr. Bokes, from the committee on cities and villages, to which was referred the bill introduced on notice by Mr. Clark, entitled "An act to amend the charter of the city of Utica," reported as a substitute for the same, "An act to authorise the election of a supervisor in each ward in the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Geddes, from the committee on roads and bridges, to which was referred a petition for that purpose, reported a bill entitled, "An act to incorporate the Niagara Falls Suspension Bridge Company," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 12.)*

Mr. Bond, from the committee on literature, to which was referred a petition for that purpose, reported a bill entitled, "An act to provide for a free school in district No. 5 in the town of Bath, in the county of Steuben," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 13.)

Mr. Coffin, from the select committee, to which was referred the petition for that purpose, reported a bill entitled, "An act to abolish capital punishment," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 14.)

In pursuance of previous notice,

Mr. Colt asked for and obtained leave to bring in a bill entitled, "An act to amend the act to provide for the construction of a railroad from Geneseo to the Genesee Valley canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

In pursuance of previous notice.

Mr. Fine asked for and obtained leave to bring in a bill entitled, "An act in relation to pardons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bush gave notice that he would, at an early day, introduce a bill to amend the act incorporating the Attica and Hornellsville Railroad Company.

Mr. Williams gave notice that he would, at an early day, ask leave to introduce a bill to amend the act to provide for the incorporation and regulation of telegraph companies, passed April 12, 1848.

Mr. Treadwell gave notice that he would, at an early day, ask leave to introduce a bill for the further protection of personal liberty.

Mr. Bond gave notice that he would, at an early day, ask leave to introduce a bill in relation to the recorder's court in the city of Oswego.

On motion of Mr. Smith,

*Ordered*, That the petition and papers on the files of the Senate in reference to par redemption, be taken therefrom and referred to the committee on banks and insurance companies.

On motion of Mr. Treadwell,

*Ordered*, That the papers relating to the claim of George W. Murray be taken from the files of the Senate and referred to the committee on claims.

On motion of Mr. Geddes,

*Ordered*, That a respectful message be transmitted to the Assembly, requesting them to transmit to the Senate the petition of Jesse McKinley, and the accompanying documents, for services rendered by Enoch Marks of the Onondaga Salt Springs, and that when received, it be referred to the committee on claims.

Mr. Cornwell called for the consideration of the following concurrent resolution, heretofore offered by him as follows :

*Resolved*, (if the Assembly concur) That the secretary of State be and is hereby requested to collect and deposite in some safe and proper place, the books belonging to the State, and which are included in the library of the court of chancery, and chancellor's library; also, such books if any, as were in the library of the late supreme court and in the possession of the judges thereof, and which are not now in the custody of some of the judges elected as judges of the court of appeals ; and that a report of his proceedings, together with a catalogue of books collected be transmitted to the Legislature at as early a period as practicable.

The President put the question whether the Senate would agree to the passage of the above resolution.

Mr. Cornwell moved to amend the resolution by inserting after the word "also" in the seventh line the words "all books belonging to the libraries of the late vice chancellors which are public property, and," and after the word "appeals" in the twelfth line, insert "and that he request of and from the late vice chancellors severally, and the clerks of their respective districts, a report and account of the funds in their hands from which books were purchased for their libraries, with a statement from what source or sources that fund was derived, its amount, and how invested or disposed of."

The President put the question upon agreeing to the said amendment, and it was decided in the affirmative.

Mr. Cole moved to amend the said amended resolution, by striking out from the word "collect" in the third line to the word "place," both inclusive, in the fourth line, and insert the words "to procure and report an accurate catalogue of."

The President put the question upon agreeing to the said amendment, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Geddes
Mr. Bond	Mr. Cook	Mr. Hawley
Mr. Clark	Mr. Fine	Mr. Lawrence
Mr. Coffin	Mr. Floyd	Mr. Little
Mr. Cole	Mr. Fox	Mr. Williams

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#### FOR THE NEGATIVE.

Mr. Betts	Mr. Cornwell	Mr. Smith
Mr. Bokee	Mr. Frost	Mr. Treadwell

Mr. Burch  
Mr. Bush

Mr. S. H. P. Hall  
Mr. Martin

Mr. Whallon

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Mr. Cole moved further to amend the said amended resolution, by inserting after the word "State," in the fifth line, the words "designating the various localities in which the books are kept."

The President put the question upon agreeing to the said amendment, and it was decided in the affirmative.

Mr. Cole moved further to amend the said amended resolution, by striking out from the word "and" in the tenth line to the word "appeal" in the twelfth line, both inclusive.

The President put the question upon agreeing to the said amendment, and it was decided in the affirmative.

The question then being on the resolution as amended, as follows :

*Resolved*, (if the Assembly concur,) That the Secretary of State be, and he is hereby requested, to procure and report an accurate catalogue of the books belonging to the State, designating the various localities in which the books are now kept, and which are included in the library of the court of chancery, and chancellor's library; also all books belonging to the libraries of the late vice chancellors, which are public property, and such books, if any, as were the library of the late supreme court, and in the possession of the judges thereof, and that he request of and from the late vice chancellors severally, and the clerks of their respective districts, a report and account of the funds in their hands from which books were purchased for their libraries, with a statement from what source or sources that fund was derived, its amount, and how invested or disposed of, and that a report of his proceedings, together with a catalogue of books collected, be transmitted to the Legislature at as early a period as practicable.

The President put the question upon agreeing to the resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk transmit a copy of said resolution to the Assembly, and request their concurrence therein.

Mr. Adams offered for the consideration of the Senate the following resolution :

*Resolved*, That the committee on the judiciary be requested to enquire into the expediency of so amending the act relating to the duty of assessors in making assessments and correcting assessment rolls, as to compel all persons subject to taxation to present a statement of all their real and personal estate subject to taxation, verified by their oath or affirmation to the assessors of the towns or cities of which they are residents.

The President put the question upon agreeing to the said resolution, and it was decided in the negative.

Mr. Cole moved to reconsider the vote by which the resolution of Mr. Adams in relation to assessments was rejected.

The President put the question upon agreeing to the said motion, and it was decided in the affirmative.

On motion of Mr. Martin,

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. S. H. P. Hall,

*Ordered*, That the petitions on file from several boards of supervisors asking the Legislature to provide for the election of local officers to discharge the duties of county judge and surrogate, be referred to the committee on the judiciary, and that said committee be requested to report a bill in conformity to article six, section fifteen of the Constitution.

Mr. Geddes offered for the consideration of the Senate the following resolution :

*Resolved*, That a select committee be appointed to inquire what alterations, if any, should be made in the laws in relation to the duties of assessors.

By consent of the mover laid on the table.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to release the interest of the State in certain real estate of which Lewis Ciprien Mango, an alien, died possessed, to Margaret Ann Mango, his widow."

On motion of Mr. Bokee, and by unanimous consent,

The said bill was amended by adding the words "of the estate of" in the last section before the word "Mango."

The said bill was then read a third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Bokee  
Mr. Bond  
Mr. Burch  
Mr. Cole  
Mr. Colt  
Mr. Cook  
Mr. Cornwell

Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. Geddes  
Mr. Hawley  
Mr. Johnson

Mr. Lawrence  
Mr. Little  
Mr. Martin  
Mr. Smith  
Mr. Treadwell  
Mr. Whallon  
Mr. Williams

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*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

And then the Senate adjourned till 11 o'clock to-morrow morning.

TUESDAY, 11 O'CLOCK A. M., JANUARY 9, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Belknap.

The Journal of yesterday was read and approved.

John W. Tamblin, Senator from the 16th district, appeared and took his seat.

Mr. Fox presented the petition of E. P. Prentice and others for the incorporation of the Merchants' and Mechanics' Fire Insurance Company, which was referred to the committee on banks and insurance companies.

Mr. Lawrence presented the petition of the receiver of the Trust Fire Insurance Company in the city of New-York, and other persons, purchasers of lands from said company, praying for relief in regard to certain real estate in the twelfth ward of the city of New-York, which was referred to the committee on the judiciary.

Mr. Geddes presented the petition of Zebulon Moore for damages for losses sustained in constructing eleven locks on the Crooked Lake canal, which was referred to the committee on claims.

Mr. Johnson, from the committee on railroads, to which was referred the bill heretofore introduced by Mr. Colt, entitled "An act to amend the act to provide for the construction of a railroad from Geneseo to the Genesee Valley canal," reported favorably to the passage of the same, which was committed to the committee of the whole.

*(See Senate Bill No. 16.)*

Mr. Fine, from the committee on the judiciary, to which was referred the bill heretofore introduced by him entitled "An act relative to pardons," reported favorably to the passage of the same, which was committed to the committee of the whole.

*(See Senate Bill No. 15.)*

In pursuance of previous notice,

Mr. Bush asked for and obtained leave to bring in a bill to amend the charter of the Attica and Hornellsville railroad company, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

In pursuance of previous notice,

Mr. Treadwell asked for and obtained leave to bring in a bill entitled, "An act for the further protection of personal liberty," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Hawley gave notice that he would, at an early day, ask leave to introduce a bill to subject to taxation certain debts owing by inhabitants of this State to non-residents of the United States.

By unanimous consent,

The said bill was then introduced, and was read the first time, and by unanimous consent was also read the second time, and by consent of Mr. Hawley laid on the table.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the trustees of the Astor library," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Bond, from the committee on literature, to which was referred the bill introduced on notice by Mr. Hawley, entitled "An act establishing free schools throughout the State," reported in favor of the passage of the same, which was committed to the committee of the whole.

(See Senate Bill No. 17.)

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to provide for the construction of a bridge across the Cattaraugus creek at Upper Irving," and after some time spent thereon, Mr. Treadwell, from said committee reported the same to the Senate.

*Ordered*, That the said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the relief of the devisees of Henry McCullough, deceased, an alien, late of the county of St. Lawrence," and after some time spent thereon, Mr. Tamblin, from said committee, reported the same to the Senate.

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the relief of the devisees of John Ballantine, an alien, deceased, late of the county of St. Lawrence," and after some time spent thereon, Mr. S. H. P. Hall, from said committee, reported the same to the Senate.

*Ordered*, That said bill be engrossed for a third reading.

The President laid before the Senate a communication from the commissioners of the code, which was referred to the committee on roads and bridges.

The communication is as follows :

(See Senate Doc. No. 5.)

To the Hon. GEORGE W. PATTERSON,

*President of the Senate:*

We have deemed the statutes in regard to highways and bridges and ferries of sufficient importance to be made the subject of a com-



munication to the Legislature independent of our report. The communication is herewith enclosed.

Very respectfully,

Your obedient servants,

A. WORDEN,  
SETH C. HAWLEY.

Albany, Jan. 8, 1849.

The President laid before the Senate the following communication :

Members of the Senate are invited to visit the Museum of the Albany Medical College, which will be open to them and their friends at all times during the session except Sundays.

J. H. ARMSBY,  
*Prof. of Anatomy.*

On motion of Mr. Geddes,

*Resolved*, That a respectful message be sent to the Assembly, asking that the petition and papers of Alvin Barker, now on file in that body, be furnished to this Senate, and that the same be referred to the committee on claims.

On motion of Mr. Bokee,

The Senate proceeded to the consideration of executive business with closed doors.

When the executive session had ended,

On motion of Mr. Bush, and by unanimous consent,

*Resolved*, (if the Assembly concur,) That the joint rules of the Senate and Assembly which were in force at the last session of the Legislature, be adopted for the government of the two Houses during the present session thereof.

*Ordered*, That the Clerk deliver a copy of said resolution to the Assembly, and request their concurrence therein.

And then the Senate adjourned till 11 o'clock to-morrow morning.

WEDNESDAY, 11 O'CLOCK A. M., JANUARY 10, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Barry.

The Journal of yesterday was read and approved.

Mr. Geddes presented the petition of Oliver Barker for damages for losses occasioned by raising the water on the Geddes level of the Erie canal, which was referred to the committee on claims.

Mr. Bush presented the petition of Enos Steele for an appropriation to pay a certain award, which was referred to the committee on canals.

Mr. Bush also presented the petition of the trustees of the regular Baptist church in Eden, which was referred to the committee on charitable and religious societies.

Mr. Johnson presented a memorial on behalf of the christian Indians residing at Tuscarora asking for laws for the suppression of intemperance and licentiousness, which was referred to the committee on Indian affairs.

Mr. Treadwell presented the petition of Frederick C. Van Wornor for authority to the grantor, or the heirs or assignee of the grantor of any original lease of land, to release and convey all his right title and interest in any portion of the premises named in the lease, which was referred to the committee on the judiciary.

Mr. Little, from the committee on charitable and religious societies, to which was referred a petition for that purpose, reported a bill entitled, "An act to repeal an act entitled, 'An act to change the name of the corporation of the trustees of the funds of the Genesee conference,' passed March 24, 1849, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 18.)*

Mr. Fine, from the committee on the judiciary, to which was referred the bill entitled, "An act to exempt from execution the homestead of a householder having a family," reported in favor of the passage of the same, which was committed to the committee of the whole.

*(See Senate Bill No. 20.)*

Mr. Fine, from the committee on the judiciary, to which was referred the bill entitled, "An act to prevent the collection of more than one bill of costs in several actions on one instrument," reported in favor of the passage of the same, which was committed to the committee of the whole.

*(See Senate Bill No. 19.)*

Mr. Fine, from the committee on the judiciary, to which was referred the bill entitled, "An act for the further protection of personal liberty," reported in favor of the passage of the same, with amendment, which was committed to the committee of the whole.

*(See Senate Bill No. 21.)*

Mr. Fine, from the committee on the judiciary, to which was referred the petition of Enos Collins, an alien, for authority to pur-

chase and hold real estate, reported adverse to the prayer of the petitioner, and asked leave to introduce the following resolution :

*Resolved*, That the prayer of the petitioner be denied.

By consent of Mr. Fine the resolution lies on the table.

Mr. Fuller, from the committee on canals, to which was referred the petition for that purpose, reported a bill entitled, "An act to provide for the appraisal and payment of canal damages to Cicero Collins, Charles W. Woolston and Erastus Hughes," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 22.)*

Mr. Geddes, from the committee on roads and bridges, to which was referred the communication of the commissioners of codification of the laws on the subject of roads, reported the same to the Senate.

*Ordered*, That the same be committed to the committee of the whole.

Mr. Frost, from the committee on public expenditures, to which was referred the resolutions of the board of supervisors of the county of Otsego asking for a law requiring the publication of certain expenditures, reported adversely to the prayer of the petitioners, and offered the following resolution :

*Resolved*, That the prayer of the petitioners be not granted.

The President put the question upon agreeing to the report of the committee, and it was decided in the affirmative.

Mr. Lawrence, from the select committee, to which was referred the memorial of the New-York fire department, reported a bill entitled, "An act further to amend the acts in relation to insurance on property in this State, made in foreign countries, and by individuals and associations unauthorised by law," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 24.)*

Mr. Geddes gave notice that he would, at an early day, ask leave to introduce a bill providing for draining certain lands in the city of Syracuse.

By unanimous consent,

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act to incorporate the trustees of the Astor library," which was committed to the committee of the whole.

*(See Senate Bill No. 25.)*

On motion of Mr. Burch,

*Resolved*, That the commissioners on practice and pleadings be requested to inform the Senate how soon and to what extent they will be able to make a report of their proceedings to the Legislature, and whether more time will be requisite to complete their work.

A message was received from the Assembly, requesting that the petitions and papers on the files of the Senate in relation to a railroad from Syracuse to Rochester, be transmitted to that House.

*Ordered*, That the above named petition and papers be so transmitted.

On motion of Mr. Tamblin,

*Resolved*, That the Clerk be directed to procure ten times the usual number of diagrams of the Senate and Assembly chambers, to be printed for the use of the Senate, and that the expense thereof be paid out of the contingent fund of the Senate.

On motion of Mr. Frost,

Leave of absence was granted to Mr. Wilkin for one week.

Mr. Johnson offered for the consideration of the Senate the following resolution :

*Resolved*, That the Clerk cause to be furnished to each Senator, reporter and officer of the Senate, two copies of the manual for 1849.

The President put the question upon agreeing to the said resolution, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. S. H. P. Hall
Mr. Betts	Mr. Colt	Mr. Johnson
Mr. Bokee	Mr. Frost	Mr. Lawrence
Mr. Bush	Mr. Fuller	

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#### FOR THE NEGATIVE.

Mr. Burch	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Geddes	Mr. Tamblin
Mr. Cook	Mr. Hawley	Mr. Treadwell
Mr. Fine	Mr. Little	Mr. Williams
Mr. Floyd		

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Mr. Geddes offered for the consideration of the Senate the following resolution :

*Resolved*, That five time the usual number of the report of the commissioners on the code upon the subject of roads and bridges be printed for the use of the members of the Legislature.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative.

A resolution was received from the Assembly for concurrence, in the words following, to wit :

[SENATE JOURNAL.]

*Resolved*, (if the Senate concur,) That the commissioners of the code, appointed pursuant to chapter 59 of the session laws of 1847, be, and they are hereby requested, to report to the Legislature what progress they have made in the discharge of the duties imposed on them by said act, and to submit therewith any code, or parts of a code which they may have prepared, at as early a day as practicable, that there may be time during the limited session for examination and action thereon.

On motion of Mr. Bush,

*Ordered*, That the said resolution do lie upon the table.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to provide for a free school in district No. 5 in the town of Bath in the county of Steuben," and after some time spent thereon, Mr. Fine, from said committee, reported progress, and asked leave to sit again.

The President put the question upon granting leave, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise the election of a supervisor in each ward in the city of Utica," and after some time spent thereon, Mr. Little, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That the said bill be engrossed for a third reading.

In pursuance of previous notice,

Mr. Cook asked for and obtained leave to bring in a bill entitled, "An act to amend an act entitled, 'An act to organise the State Lunatic Asylum and more effectually to provide for the care, maintenance and recovery of the insane,' passed April 7, 1842," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

Mr. Bush asked for and obtained leave to introduce a bill entitled, "An act in relation to the appraisal of damages on the Genesee Valley canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A message was received from the Assembly informing the Senate that they had concurred in the joint resolution for the adoption of the joint rules of the Senate and Assembly as they were in force at the last session of the Legislature.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act to provide for the construction of a bridge across the Cattaraugus creek at Upper Irving," also

"An act for the relief of the devisees of Henry McCullough, deceased, an alien, late of the county of St. Lawrence," also

"An act for the relief of the devisees of John Ballantine, an alien, deceased, late of the county of St. Lawrence."

The bill entitled, "An act to provide for the construction of bridge across the Cattaraugus creek at Upper Irving," was read a third time and passed, a majority of all the members elected to the Se-

nate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Floyd	Mr. Little
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Burch	Mr. Frost	Mr. Smith
Mr. Bush	Mr. Geddes	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Coffin	Mr. Hawley	Mr. Williams
Mr. Colt		

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The bill entitled, "An act for the relief of the devisees of Henry McCullough, deceased, an alien, late of the county of St. Lawrence," was read a third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Floyd	Mr. Little
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Burch	Mr. Frost	Mr. Smith
Mr. Bush	Mr. Fuller	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Coffin	Mr. Hawley	Mr. Williams
Mr. Colt		

25

The bill entitled, "An act for the relief of the devisees of John Ballantine, an alien, late of the county of St. Lawrence," was read a third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Floyd	Mr. Little
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Burch	Mr. Frost	Mr. Smith
Mr. Bush	Mr. Fuller	Mr. Tamblin
Mr. Clark	Mr. Geddes	Mr. Treadwell
Mr. Coffin	Mr. S. H. P. Hall	Mr. Williams
Mr. Colt	Mr. Hawley	

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*Ordered;* That the Clerk deliver the three last mentioned bills to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole on the engrossed bill from the Assembly entitled, "An act to incorporate the trustees of the Astor library," and after some time spent thereon, Mr. Bush, from said committee, reported progress, and asked leave to sit again.

The President put the question upon granting said leave, and it was decided in the affirmative.

And then the Senate adjourned till 11 o'clock to-morrow morning.

THURSDAY, 11 O'CLOCK A. M., JANUARY 11, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Hall.

The Journal of yesterday was read and approved.

Mr. William Hall, Senator from the third district, appeared and took his seat.

Mr. Little, from the committee on charitable and religious societies, to which was referred a petition for that purpose, reported a bill entitled, "An act to authorise the trustees of the Regular Baptist Church in Eden to sell and dispose of its real estate and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 28.)*

Mr. Burch, from the committee on commerce and navigation, to which was referred a petition for that purpose, reported a bill entitled, "An act to amend the act incorporating the New-York Floating Dry Dock Company," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 26.)*

Mr. Coffin, from the committee on poor laws, to which was referred the bill entitled, "An act to amend 'An act to organise the State Lunatic Asylum and more effectually to provide for the care, maintenance and recovery of the insane,' passed April 7, 1842,"

reported in favor of the passage of the same, which was committed to the committee of the whole.

(See Senate Bill No. 27.)

By unanimous consent,

Mr. Lawrence presented the petition of Fernando Wood praying for a release from the State of certain lands in the city of New-York, which was referred to the committee on the judiciary.

In pursuance of previous notice,

Mr. Bond asked for and obtained leave to introduce a bill entitled, "An act in relation to the recorder's court in the city of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Treadwell moved a reconsideration of the vote by which the resolution yesterday introduced by Mr. Johnson was rejected, which resolution is as follows:

*Resolved*, That the Clerk cause to be furnished to each Senator and officer of the Senate, two copies of the manual for 1849.

The President put the question upon agreeing to the said motion, and it was decided in the affirmative.

On motion of Mr. Smith,

The resolution was so amended as to include the reporters of the Senate.

The question then being on the resolution as amended,

The President put the question upon agreeing to the resolution, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. Johnson	
Mr. Betts	Mr. Colt	Mr. Lawrence	
Mr. Bokee	Mr. Frost	Mr. Little	
Mr. Bond	Mr. Fuller	Mr. Tamblin	
Mr. Bush	Mr. W. Hall	Mr. Treadwell	15

#### FOR THE NEGATIVE.

Mr. Burch	Mr. Fox	Mr. Smith	
Mr. Cook	Mr. Hawley	Mr. Whallon	
Mr. Floyd	Mr. Martin	Mr. Williams	9

A bill was received from the Assembly for concurrence entitled, "An act to provide for filling up the stock of the Fireman's Insurance Company of the city of Albany and reducing the number of its directors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.



Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to authorise the election of a supervisor in each ward in the city of Utica."

The bill entitled, "An act to authorise the election of a supervisor in each ward in the city of Utica," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths being present on the final passage thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Lawrence
Mr. Betts	Mr. Fine	Mr. Little
Mr. Bokee	Mr. Floyd	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. W. Hall	Mr. Treadwell
Mr. Coffin	Mr. Hawley	Mr. Whallon
Mr. Colt	Mr. Johnson	Mr. Williams
		24

*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend the 'Act to incorporate the American Baptist Home Missionary Society,' passed April 12, 1843," and after some time spent thereon, Mr. Adams, from said committee, reported in favor of the same without amendment.

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the settlement of the claims of Henry D. Boughton against the Bank of Lyons," and after some time spent thereon, Mr. Coffin, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill to incorporate the Niagara Falls bridge company, and after some time spent thereon, Mr. Bond, from said committee, reported progress, and asked leave to sit again.

The President put the question upon granting such leave, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole on the bill to vest in the boards of supervisors certain legislative powers, and after some time spent thereon, Mr. Whallon, from said committee, reported progress, and asked leave to sit again.

The President put the question upon granting such leave, and it was decided in the affirmative.

*Ordered*, That the amendments to said bill, offered in committee of the whole, be printed.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to pardons," and after some

time spent thereon, Mr. Johnson, from said committee, reported progress, and asked leave to sit again.

The President put the question upon granting such leave, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend an act to provide for the construction of a railroad from Geneseo to the Genesee Valley canal," and after some time spent thereon, Mr. Smith, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That the said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act establishing free schools throughout the State," and after some time spent thereon, Mr. Fuller, from said committee, reported progress, and asked leave to sit again.

The President put the question upon granting such leave, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to incorporate the trustees of the Astor library," and after some time spent thereon, Mr. Bush, from said committee, reported in favor of the passage of the same with amendments.

Mr. Floyd moved to recommit the bill to the committee on the judiciary, to examine and report thereon.

The President put the question upon agreeing to the said motion, and it was decided in the negative.

On motion of Mr. Johnson,

The report of the committee of the whole was ordered laid on the table.

And then the Senate adjourned till 11 o'clock to-morrow morning.

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## FRIDAY, 11 O'CLOCK A. M., JANUARY 12.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Barry.

The Journal of yesterday was read and approved.

The President laid before the Senate the second annual report of the Regents of the University on the condition of the State Cabinet of Natural History, with the catalogue accompanying the same.

(See Senate Doc. No. 20.)

Mr. Bond moved the printing of one thousand copies for the use of the Regents and for foreign distribution, and five times the usual

number for the use of the Legislature, which was referred to the committee on public printing.

The President laid before the Senate the annual report of the executive committee of the State Normal School.

(See Senate Doc. No. 8.)

Mr. Fuller moved the printing of five times the usual number of copies, which was referred to the committee on public printing.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills:

"An act to amend an act entitled, 'An act to provide for the construction of a railroad from Geneseo to the Genesee Valley canal,' " also

"An act to amend the act entitled, 'An act to incorporate the American Baptist Home Missionary Society,' passed April 12, 1843," also

"An act for the settlement of the claim of Henry D. Boughton against the Bank of Lyons."

The bill entitled, "An act to amend the act entitled, 'An act to incorporate the American Baptist Home Missionary Society,' passed April 12, 1843," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Little
Mr. Betts	Mr. Floyd	Mr. Martin
Mr. Bokee	Mr. Fox	Mr. Smith
Mr. Bond	Mr. Fuller	Mr. Tamblin
Mr. Bush	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Clark	Mr. Hawley	Mr. Whallon
Mr. Coffin	Mr. Johnson	Mr. Williams
Mr. Colt	Mr. Lawrence	

23

Ordered, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to amend an act entitled, 'An act to provide for the construction of a railroad from Geneseo to the Genesee Valley canal,' " was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Betts	Mr. Floyd	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Little
Mr. Bond	Mr. Fuller	Mr. Martin

Mr. Bush	Mr. Geddes	Mr. Smith
Mr. Clark	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Coffin	Mr. W. Hall	Mr. Treadwell
Mr. Colt	Mr. Hawley	Mr. Whallon

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act for the settlement of the claim of Henry D. Boughton against the Bank of Lyons," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Little
Mr. Betts	Mr. Fox	Mr. Martin
Mr. Bokee	Mr. Fuller	Mr. Smith
Mr. Bond	Mr. Geddes	Mr. Tamblin
Mr. Bush	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Clark	Mr. Hawley	Mr. Whallon
Mr. Coffin	Mr. Johnson	Mr. Williams
Mr. Colt	Mr. Lawrence	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Bokee gave notice that he would, at an early day, ask leave to introduce a bill to allow contracts of loan and forbearance on personal security for short periods.

By unanimous consent,

Mr. Fuller offered for the consideration of the Senate the following resolution :

*Resolved*, That the clerk of the court of appeals be requested to report what progress has been made in the execution of the act entitled, "An act in respect to the funds and securities in possession of the clerk of the court of appeals," passed April 12, 1848," whether any of the funds and securities mentioned in said act have been transmitted to any of the county treasurers of this State pursuant to its provisions, and if not, why the same has not been done.

By consent of Mr. Fuller, the said resolution was laid on the table.

In pursuance of previous notice,

Mr. Geddes asked for and obtained leave to bring in a bill entitled, "An act to authorise the abatement of a nuisance on lands owned by the State of New-York and other lands in the city of Syracuse," which was read the first time, and by unanimous consent was also read the second time, and referred to the Commissioners of the Land Office.

The question was then taken on agreeing to the report of the committee of the whole on the bill entitled, "An act to incorporate the trustees of the Astor library."

The President put the question upon agreeing to the said report, and it was decided in the affirmative.

Said bill was then ordered to its third reading.

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Little
Mr. Bond	Mr. Fuller	Mr. Martin
Mr. Bush	Mr. Geddes	Mr. Treadwell
Mr. Clark	Mr. S. H. P. Hall	Mr. Whallon
Mr. Coffin	Mr. Hawley	Mr. Williams
Mr. Colt	Mr. Johnson	

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**FOR THE NEGATIVE.**

Mr. Floyd

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same with the amendments therewith delivered.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to provide for a free school in district No-5 in the town of Bath in the county of Steuben," and after some time spent thereon, Mr. Fine, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to incorporate the Niagara Falls Bridge Company," and after some time spent thereon, Mr. Bond, from said committee, reported in favor of the passage of the same with amendments.

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to repeal the act entitled, 'An act to change the name of the corporation of the trustees of the funds of the Genesee Conference,' passed March 24, 1829, and for other purposes," and after some time spent thereon, Mr. Fox, from said committee, reported in favor of the passage of the same with amendments.

Mr. Smith moved to amend the report of the committee of the whole by restoring to the bill the fifth section, which is as follows :

§ 5. The trustees of this corporation shall be jointly and severally liable for all debts due from said corporation, contracted while they are trustees ; provided said debts are payable within one year from the time they shall have been contracted, and provided a suit

for the collection of the same shall be brought within one year after the debt shall become due and payable.

The President put the question upon agreeing to the said motion, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Floyd	Mr. Martin	Mr. Whallon	
Mr. Hawley	Mr. Smith		5

**FOR THE NEGATIVE.**

Mr. Adams	Mr. Fine	Mr. Johnson	
Mr. Bokee	Mr. Fox	Mr. Lawrence	
Mr. Bond	Mr. Fuller	Mr. Little	
Mr. Burch	Mr. Geddes	Mr. Treadwell	
Mr. Colt	Mr. W. Hall		14

The report of the committee of the whole was then agreed to, and the bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to prevent the collection of more than one bill of costs in several actions on one instrument," and after some time spent thereon, Mr. Floyd, from said committee, reported in favor of the passage of the same without amendment.

Mr. Hawley moved to amend the report of the committee of the whole, by inserting in the fifth line of the first section of said bill, after the word "exchange," the words "in causes where the said defendants might have been included in one action."

The President put the question upon agreeing to the said amendment, and it was decided in the affirmative.

The question then being on agreeing to the report of the committee of the whole as amended, it was decided in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the purchase of the toll bridge at Jessup's Little Falls and make the same a public highway," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. W. Hall, from the committee on public printing, to which was referred a motion to print an extra number of the report of the Regents of the University in relation to the cabinet of the State Natural History, reported in favor of printing one thousand for the use of the Regents, and five times the usual number for the use of the Legislature.

The President put the question upon agreeing to the said report, and it was decided in the affirmative.

Mr. W. Hall, from the same committee, to which was referred the motion to print an extra number of the report of the executive committee of the State Normal School, reported in favor of printing five hundred copies for the use of the executive committee, and five times the usual number for the use of the Legislature.

Mr. Smith moved to amend the report of the committee by ordering the printing of twice the usual number for the use of the Legislature.

The President put the question upon agreeing to the said motion, and it was decided in the negative.

The report of the committee was then agreed to.

And then the Senate adjourned till 11 o'clock to-morrow morning.

SATURDAY, 11 O'CLOCK A. M., JANUARY 13, 1849.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Belknap.

The Journal of yesterday was read and approved.

Mr. Cornwell presented the petition of citizens of Cayuga county for an amendment in the general plank road act, which was referred to the committee on roads and bridges.

Mr. Cornwell also presented the petition of I. Hewson and others for a law declaring the public utility of a railroad from Auburn to Bingham on, which was referred to the committee on railroads.

Mr. Cornwell also presented the resolutions of the board of supervisors of Cayuga county on the subject of a salary to the county clerk, which was referred to the committee on the judiciary.

Mr. Cornwell also presented the resolution of the same board on the subject of the State library, which was referred to the committee on literature.

Mr. Little presented a petition for the incorporation of the East Genesee Annual Conference of the Methodist Episcopal Church, which was referred to the committee on charitable and religious societies.

Mr. Williams, from the select committee appointed at the last session of the Senate to inquire and report into the merits and circumstances of the memorial of the corporation of the city of Albany relative to the Albany basin, made a detailed report in writing.

(See Senate Doc. No. 7.)

On motion of Mr. Fuller,

Twice the usual number of copies of the report were ordered printed for the use of the Legislature.

On motion of Mr. Tamblin,

*Resolved*, That the State Engineer and Surveyor be, and is respectfully requested, to report to the Senate a statement of the

plans and estimates, with a statement of the amount of excavation and character of the material to be excavated, as stated by the resident engineer, of a work for draining certain lands near Skajaquada creek in the town of Black Rock, on the plans and estimates submitted to him, if any, by said resident engineer, previous to the letting of said work, and that when received said statement be referred to the committee on canals.

The President laid before the Senate a communication from the Commissioners of the Land Office in relation to the bill heretofore referred to them entitled, "An act to authorise the abatement of a nuisance on lands owned by the people of the State of New-York, and other lands in the city of Syracuse," which communication is as follows:

The Commissioners of the Land Office, to whom was referred the resolution of the Senate of January 12, 1849, accompanied by a bill entitled, "An act to authorise the abatement of a nuisance on lands owned by the people of the State of New-York, and other lands in the city of Syracuse, respectfully report:

That they have examined the said bill, and recommend to the Legislature the passage of the act with such amendments as have been made to the bill by the Commissioners of the Land Office.

CHRISTOPHER MORGAN,  
*Secretary of State.*

MILLARD FILLMORE,  
*Comptroller.*

AMBROSE L. JORDAN,  
*Attorney General.*

CHARLES B. STUART,  
*State Eng'r and Surv'r.*

*Albany, January 12, 1849.*

*Ordered,* That the said communication be referred to the committee of the whole when on said bill.

On motion of Mr. Geddes,

*Ordered,* That said bill be made the special order for to-day, when that order of business shall be reached.

The President laid before the Senate the following communication, which was ordered on file:

AGRICULTURAL ROOMS, }  
*January 11, 1849.* }

HON. G. W. PATTERSON,  
*President of the Senate.*

At a meeting of the Executive Committee of the New-York State Agricultural Society, the following resolution was adopted:

*Resolved,* That the honorable the Senate be respectfully requested to attend the annual meeting of the society on Wednesday the 17th.



instant, at the capitol, and on Wednesday evening the 17th, and Thursday evening the 18th, when addresses are to be delivered by Prof. E. Emmons and L. F. Allen, Esq., president of the society.

(Copy)

B. P. JOHNSON,  
*Corresponding Sec'y.*

The President laid before the Senate a communication from the commissioners on practice and pleadings in reference to a further report by them to be made, and in answer to a resolution of the Senate of the 11th January, which was referred to the committee on the judiciary.

The President laid before the Senate the following communication, which was ordered on file :

To the Hon. the SENATE,  
*Of the State of New-York.*

The honorable the Senate is respectfully invited to attend the delivery of a discourse by the Hon. D. D. Barnard, on the life, character and services of the late chief justice Spencer, at the county court room in the City Hall of this city, on Monday evening next, the 15th instant, at 7 o'clock.

With great respect,

SAMUEL STEVENS,  
JAMES EDWARDS,  
NICHOLAS HILL,

*Committee of the bar of Albany.*

*Albany, Jan. 13, 1849.*

On motion of Mr. Martin,

*Resolved*, That the Canal Commissioners are requested to transmit to the Senate a copy of the estimate of the quantity of embankment, excavation, masonry and all other structures, and of the quantity and quality of all materials to be used in constructing and finishing the ditch from Skajaquada to Cornelius creek, and bridges over the same to Amherst street on the military road for draining certain lands in the town of Black Rock, and of the cost of the same, made prior to entering into a contract with Enos Steele for said work, pursuant to the 9th section of an act in relation to the office of State Engineer and Surveyor and the engineer department, passed March 4, 1848, and also any alterations subsequently made in the plans and specifications exhibited at the letting of said contract.

On motion of Mr. S. H. P. Hall,

*Resolved*, That the Secretary of State cause to be printed and bound for the use of the officers and members of the Senate, twenty times the usual number of copies of his report, with the accompanying documents, maps, &c., relating to the history of this State.

The resolution heretofore offered by Mr. Adams in relation to amending the assessment laws of this State, was called up for consideration, and after debate thereon,

*Ordered*, That the said resolution be laid upon the table.

The resolution heretofore offered by Mr. Geddes in relation to the appointment of a select committee in reference to the duty of assessors, was called up for consideration, and after debate thereon,

*Ordered*, That the said resolution be laid on the table.

Mr. Fuller called for the consideration of the resolution heretofore offered by him in relation to the securities under the charge of the clerk of the court of appeals.

The resolution was read, and after debate,

*Ordered*, That said resolution be laid on the table.

Mr. Wilkin gave notice that he would, at an early day, ask leave to introduce a bill to change the times of holding the county courts in the county of Columbia.

The President laid before the Senate the annual report of the Canal Appraisers, which was referred to the committee on canals.

Mr. Fuller moved the printing of twice the usual number for the use of the Legislature, and 100 copies for the use of the Canal Appraisers.

The President put the question upon agreeing to the said motion, and it was decided in the affirmative.

The following resolution came up for consideration, having been heretofore offered by Mr. Williams :

*Resolved*, That a select committee be appointed to examine and inquire into the affairs of the Canal Bank of Albany, and report at an early day the causes of the failure of said bank, the deficiency of the assets to meet its liability, specifying the amount due the State from said bank, and whether it is secured, and if so, how; also that the said committee report whether, in their opinion, the existing associated safety fund banks should be required to contribute to a fund sufficient to pay off the creditors of said bank, (after the assets are exhausted,) and also save harmless, innocent stockholders in said existing safety fund banks from loss on account of personal liability, which is to take effect in 1850, and to protect creditors in case of future failures, and that said committee be empowered to send for persons and papers.

Mr. Adams moved to amend the said resolution, by inserting in place of the words "a select committee," the words "the receiver of the Canal Bank."

The President put the question upon agreeing to the said amendment, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams

Mr. Bush

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## FOR THE NEGATIVE

Mr. Betts	Mr. Fox	Mr. Johnson
Mr. Bokee	Mr. Frost	Mr. Lawrence
Mr. Bond	Mr. Fuller	Mr. Little
Mr. Clark	Mr. Geddes	Mr. Martin
Mr. Cole	Mr. S. H. P. Hall	Mr. Smith
Mr. Colt	Mr. W. Hall	Mr. Treadwell
Mr. Cornwell	Mr. Hawley	Mr. Whallon
Mr. Floyd		

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The question then being on the resolution as offered by Mr. Williams,

The President put the question upon agreeing to the resolution, and it was decided in the affirmative.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act to incorporate the Niagara Falls Bridge Company," also

"An act to prevent the collection of more than one bill of costs in several actions on one instrument," also

"An act to repeal an act entitled, 'An act to change the name of the corporation of the trustees of the funds of the Genesee conference,' passed March 24, 1829, and for other purposes."

The last mentioned bill was then read a third time.

On motion of Mr. S. H. P. Hall and by unanimous consent,

The following section was added to the said bill :

§ 5. The trustees of this corporation shall be jointly and severally liable for all debts due from said corporation, contracted while they are trustees ; provided said debts are payable within one year from the time they shall have been contracted, and provided a suit for the collection of the same shall be brought within one year after the debt shall become due and payable.

The said bill was then passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fox	Mr. Little
Mr. Betts	Mr. Frost	Mr. Martin
Mr. Bond	Mr. Fuller	Mr. Smith
Mr. Bush	Mr. Geddes	Mr. Tamblin
Mr. Colt	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cornwell	Mr. Hawley	Mr. Whallon
Mr. Fine	Mr. Johnson	Mr. Williams
Mr. Floyd	Mr. Lawrence	

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to incorporate the Niagara Falls Bridge Company," being announced on its third reading, before said bill was read,

*Ordered*, That the question on the final passage of said bill do lie on the table.

The bill entitled, "An act to prevent the collection of more than one bill of costs in several actions on one instrument," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Frost	Mr. Little
Mr. Betts	Mr. Fuller	Mr. Martin
Mr. Bokee	Mr. Geddes	Mr. Smith
Mr. Bond	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Fine	Mr. Hawley	Mr. Treadwell
Mr. Floyd	Mr. Johnson	Mr. Whallon
Mr. Fox	Mr. Lawrence	Mr. Williams
		21

*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise the abatement of a nuisance on lands owned by the State of New-York, and other lands in the city of Syracuse," which was the special order for to-day, and after some time spent thereon, Mr. Betts, from said committee, reported progress.

On motion of Mr. Floyd,

The said bill was referred to the committee on canals.

In pursuance of previous notice,

Mr. Wilkin asked for and obtained leave to introduce a bill to change the times of holding the county court in Columbia county, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

And then the Senate adjourned till Monday morning at 11 o'clock.

MONDAY, 11, O'CLOCK A. M. JANUARY 15, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Brown.

The Journal of yesterday was read and approved.

The President announced Messrs. Bokee, Cornwell and Floyd, as the select committee to investigate the affairs of the Canal Bank.

[SENATE JOURNAL.]

Mr. Bolsee presented the petition of Abraham G. Thompson of the city of New-York asking for an amendment of the usury laws, which was referred to the committee on the judiciary.

Mr. Geddes presented the petition of the supervisors of Onondaga asking for a repeal of the act directing a registry of births, marriages and deaths; also for an increase of powers in relation to the building of county buildings, and for the election of three county auditors.

The President presented the petition of John McDonald of Washington county in relation to supervisors' fees, which was referred to the committee on the judiciary.

Mr. Cook presented the petition of inhabitants of Milton in Saratoga county for a transfer of the interest of the State in the property of St. James church to the wardens and vestry of Christ's church in the same town, which was referred to the committee on charitable and religious societies.

Mr. Fuller presented the petition of Horace Clark for damages occasioned by the construction of a bridge across the Erie canal, which was referred to the committee on claims.

Mr. Hawley presented the remonstrance of citizens of Bath against a free school in district No. 5, which was laid upon the table.

Mr. Lawrence presented the petition of Archibald Morrison Stowe for a change of his name, which was referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the Comptroller to employ additional clerks for certain purposes and making an appropriation for their payment," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

A bill was received from the Assembly for concurrence entitled, "An act directing the printing and distribution of the laws relating to the poor, and to amend chapter two hundred and fourteen of the laws of 1842," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

Mr. Wilkin, from the committee on the judiciary, to which was referred the bill entitled, "An act to change the time of holding county courts in Columbia county," reported in favor of the passage of said bill with the title thereof altered so as to read as follows: "An act to authorise county judges to change the time of holding county courts," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 32.)

Mr. Cook, from the committee on banks and insurance companies, to which was referred the bill from the Assembly entitled, "An act

to provide for filling up the stock of the Fireman's Insurance Company of the city of Albany and reducing the number of its directors," reported in favor of the passage of the same, which was committed to the committee of the whole.

(See Senate Bill No. 30.)

In pursuance of previous notice:

Mr. Bokee asked for and obtained leave to bring in a bill entitled, "An act to allow contracts of loan and forbearance on personal security for short periods," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Little, from the committee on charitable and religious societies, to which was referred a petition for that purpose, reported a bill entitled, "An act to incorporate the members of the East Genesee Annual Conference of the Methodist Episcopal Church," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole:

(See Senate Bill No. 31.)

A message was received from the Assembly informing the Senate that they had concurred in the amendments of the Senate to the bill entitled, "An act to incorporate the trustees of the Astor library."

*Ordered*, That said bill be returned to the Assembly.

Also that they had concurred in the passage of the act entitled, "An act to provide for the construction of a bridge across the Cataraugus creek at Upper Irving."

*Ordered*, That said bills be transmitted to the Governor.

Mr. S. H. P. Hall offered for the consideration of the Senate the following concurrent resolution:

*Resolved*, (if the Assembly concur) That the two Houses of the Legislature proceed, on the sixth day of February next at twelve o'clock at noon, to the election of a United States Senator in place of John A. Dix, whose term of service expires on the fourth of March next.

This resolution was laid on the table.

Mr. Lawrence gave notice that he would, at an early day, introduce a bill to amend section 15, article 1, title 4, chapter 8, part 3, of the Revised Statutes.

Mr. Little gave notice that he would, at an early day, ask leave to introduce a bill authorising the Comptroller to issue registered notes in lieu of unregistered notes in certain cases.

On motion of Mr. Treadwell,

*Resolved*, That the committee on the judiciary be instructed to inquire into and report to the Senate, at an early day, whether the act passed May 13, 1846, to equalise taxation, can be so amended

that the rents reserved in leases specified in said act, can be taxed for school and highway purposes.

On motion of Mr. Cole,

*Resolved*, That a respectful message be transmitted to the Assembly, requesting them to transmit to the Senate the petition of B. Fairman and others praying for the passage of a law for the construction, at the expense of the State, of a bridge across the Erie canal at Medina, in the county of Orleans, and the papers accompanying the same.

On motion of Mr. Frost,

*Resolved*, That the Assembly be requested to transmit to the Senate the papers and petition on file in relation to the claim of John Cammerdon for certain moneys for giving information of an escheat.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend the 73d section of title 4, chapter 2, part 4 of the Revised Statutes," and after some time spent thereon, Mr. Cook, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to pardons," and after some time spent thereon, Mr. W. Hall, from said committee, reported in favor of the passage of the same with amendments.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fox	Mr. Martin	
Mr. Cole	Mr. W. Hall	Mr. Smith	
Mr. Colt	Mr. Lawrence	Mr. Whallon	
Mr. Fine	Mr. Little	Mr. Wilkin	12

#### FOR THE NEGATIVE.

Mr. Adams	Mr. Frost	Mr. Hawley	
Mr. Bush	Mr. Geddes	Mr. Tamblin	
Mr. Cook	Mr. S. H. P. Hall	Mr. Treadwell	
Mr. Floyd			10

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to exempt from execution the homestead of a householder having a family," and after some time spent thereon, Mr. Martin, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend the charter of the New-York Floating Dry Dock Company," and after some time spent thereon,

Mr. Williams, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act authorising the trustees of the Regular Baptist Church and Society of the town of Eden, Erie county, to sell and dispose of their real estate and for other purposes," and after some time spent thereon, Mr. Clark, from said committee, reported in favor of the passage of the same.

*Ordered*, That the question on agreeing with the report of the committee of the whole be laid on the table.

The Senate then resolved itself into a committee of the whole on the engrossed bill from the Assembly entitled, "An act to provide for filling up the stock of the Fireman's Insurance Company in the city of Albany, and to reduce the number of its directors," and after some time spent thereon, Mr. W. Hall, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill do have its third reading.

A bill was received from the Assembly for concurrence entitled, "An act to reduce the capital stock of the Albany Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the Dexter, Brownville and Pamela Plank Road Company to erect a toll gate on that part of their road now finished," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the clerk of the county of Erie to appoint a special deputy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to confirm the title of the trustees of the First Baptist Church and Society of Newfane to certain lands," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the trustees of the village of Williamsburgh to raise money by loan to pay certain debts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on cities and villages.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act in relation to pardons."

In pursuance of previous notice,

Mr. Lawrence asked for and obtained leave to bring in a bill entitled, "An act to amend section 15, article 1, title 4, chapter 8,



part 3, of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

And then the Senate adjourned till 11 o'clock to-morrow morning.

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TUESDAY, 11 O'CLOCK A. M., JANUARY 16, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The Journal of yesterday was read and approved.

Mr. Bokee presented the memorial of Henry Wylls Taylor of Canandaigua, against the abolition of the death penalty, which was ordered printed and referred to the committee of the whole when on the bill introduced by Mr. Coffin.

(See Senate Doc. No. 10.)

Mr. Martin presented the remonstrance of the trustees of the village of Jamestown against the repeal of the act to extend Third-st. in said village, with a map, which was referred to the committee on cities and villages.

Mr. Cole presented the petition of citizens of Orleans for a law authorising the supervisors of Orleans county to raise one thousand dollars by tax to build a bridge across Oak Orchard creek and to construct a road thereto, which was referred to the committee on roads and bridges.

Mr. Cole also presented the petition of Elias Wilcox for the passage of a law authorising the payment of damages sustained by him by reason of waters discharged from the Erie canal, which was referred to the committee on canals.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the Dexter, Brownville and Pamela Plank Road Company to erect a toll gate on that part of their road now finished," which was committed to the committee of the whole.

(See Senate Bill No. 33.)

Mr. Little from the committee on charitable and religious societies, reported in favor of the passage of the bill from the Assembly entitled, "An act to confirm the title of the trustees of the First

Baptist Church and Society of New Fane to certain lands," which was committed to the committee of the whole.

(See Senate Bill No. 34.)

Mr. S. H. P. Hall, from the committee on state prisons, reported in favor of the passage of the bill entitled, "An act in relation to the removal of convicts from one state prison to another," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 37.)

Mr. Lawrence, from the committee on finance, reported adverse to the passage of the bill from the Assembly entitled, "An act to authorise the Comptroller to employ additional clerks for certain purposes, and making an appropriation for their payment," which was committed to the committee of the whole.

Mr. Williams, from the committee on claims, reported unfavorably on the petition of Calvin Christie for the reimbursement of moneys paid for taxes, with the following resolution:

*Resolved*, That the prayer of the petitioner be denied.

The President put the question upon agreeing to the resolution, and it was decided in the affirmative.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage, with amendments, of the bill entitled, "An act for the appointment of referees in the city of New-York," which was committed to the committee of the whole.

(See Senate Bill No. 38.)

Mr. Wilkin, from the committee on the judiciary, to which was referred the petition for that purpose, reported a bill entitled, "An act to effectuate letters patent heretofore issued to Mary Englishbee," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 40.)

Mr. Wilkin, from the committee on the judiciary, to which was referred the petition for that purpose, reported a bill entitled, "An act to repeal two certain acts for the benefit and relief of Francis Englishbee," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 39.)

Mr. Fine, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act to change the name of Archibald Morrison Stowe to Archibald Morrison Morrison," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 41.)

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the clerk of the county of Erie to appoint a special deputy," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 42.)

On motion of Mr. Wilkin,

*Resolved*, That a committee be appointed on the "internal affairs of towns and counties," to be added to the standing committees of the Senate.

*Ordered*, That Messrs. Geddes, Colt and Tamblin be said committee.

Mr. Bokee gave notice that he would, at an early day, ask leave to introduce a bill in relation to the foreclosure of mortgages.

Mr. Whallon gave notice that he would, at some future day, ask leave to introduce a bill to repeal the act entitled, "An act concerning passengers arriving at the ports of entry and landings in this State."

Mr. Cole gave notice that he would, at an early day, ask leave to introduce a bill authorising the appraisal and payment of certain canal damages sustained by Ezra Wood; also a bill authorising the appraisal and payment of certain canal damages sustained by Elias Wilcox; also a bill authorising a loan from the common school fund to the county of Orleans for the purpose of building a bridge across the Oak Orchard creek in the town of Carlton in said county; also a bill authorising the Canal Commissioners to build a bridge across the Erie canal in the village of Medina.

In pursuance of previous notice,

Mr. Cole asked for and obtained leave to introduce a bill entitled, "An act to authorise the appraisal and payment of certain canal damages sustained by Ezra Wood," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

In pursuance of previous notice,

Mr. Cole asked for and obtained leave to introduce a bill entitled, "An act authorising the appraisal and payment of certain canal damages sustained by Elias Wilcox," which was read the first time,

and by unanimous consent was also read the second time, and referred to the committee on canals.

In pursuance of previous notice,

Mr. Cole asked for and obtained leave to introduce a bill entitled, "An act authorising a loan from the common school fund to the county of Orleans for the purpose of building a bridge across the Oak Orchard creek in the town of Carlton in said county, and of constructing a road to said bridge," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice,

Mr. Cole asked for and obtained leave to introduce a bill entitled, "An act authorising the Canal Commissioners to build a bridge across the Erie canal in the village of Medina," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

The bill entitled, "An act in relation to pardons," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fox	Mr. Little
Mr. Bond	Mr. Frost	Mr. Martin
Mr. Cole	Mr. Fuller	Mr. Smith
Mr. Colt	Mr. S. H. P. Hall	Mr. Whallon
Mr. Fine	Mr. W. Hall	Mr. Wilkin
Mr. Floyd	Mr. Lawrence	

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#### FOR THE NEGATIVE.

Mr. Adams	Mr. Cornwell	Mr. Treadwell
Mr. Bokee	Mr. Hawley	Mr. Williams
Mr. Cook	Mr. Tamblin	

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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to provide for filling up the stock of the Fireman's Insurance Company of the city of Albany and reducing the number of its directors," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fox	Mr. Lawrence
Mr. Betts	Mr. Frost	Mr. Little
Mr. Bokee	Mr. Fuller	Mr. Martin
Mr. Bond	Mr. S. H. P. Hall	Mr. Treadwell

Mr. Cole  
Mr. Cook  
Mr. Fine

Mr. W. Hall  
Mr. Hawley

Mr. Whallon  
Mr. Williams

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

On motion of Mr. Cole,

*Resolved*, That a respectful message be transmitted to the Assembly, requesting them to transmit to the Senate the petition of Ezra Wood for appraisal and payment to him of certain canal damages.

On motion of Mr. Wilkin,

*Resolved*, That a respectful message be sent to the honorable the Assembly, requesting the transmission to the Senate of the papers on file in that House relative to an alteration in the charter of the Orange County Mutual Insurance Company.

On motion of Mr. Cole,

*Resolved*, That the Canal Appraisers be requested to report to the Senate, at an early day, the condition of the records, books and documents connected with their office, and whether, in their opinion, any further, and what legislation is requisite to a more perfect organisation of that department.

The Senate then resolved itself into a committee of the whole on "An act for the further protection of personal liberty," and after some time spent thereon, Mr. Colt, from said committee, reported in favor of the passage of the same without amendment.

On motion of Mr. Bokee,

*Ordered*, That the question on agreeing with the report of the committee be laid on the table.

The hour of 12 having arrived, the Senate then proceeded to the consideration of executive business.

On motion of Mr. Cole,

*Ordered*, That said session be held with closed doors.

When the doors were opened,

The Senate resolved itself into a committee of the whole on the bill entitled, "An act to provide for the appraisal and payment of canal damages to Cicero Collins, Charles W. Woolston and Erastus Hughes," and after some time spent thereon, Mr. Frost, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on bill entitled, "An act to vest in the boards of supervisors certain legislative powers," and after some time spent thereon, Mr. Whallon, from said committee, reported progress, and asked for and obtained leave to sit again.

A bill was received from the Assembly for concurrence entitled, "An act for the relief of the estate of Rutherford Stuyvesant," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act authorizing the Canal Board to hear and determine the claim of James H. Hooker for loss sustained by the sinking of his canal boat in the Erie canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to levy a tax upon school district No. 14 in the towns of Milan and Pine Plains to reimburse certain moneys to John Germond, David J. Hicks and Nathan Smith," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to authorize the Young Men's Association of the city of Buffalo to borrow money for the erection of a building," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

And then the Senate adjourned till 11 o'clock to-morrow morning.

WEDNESDAY, 11 O'CLOCK A. M., JANUARY 17, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Brown.

The Journal of yesterday was read and approved.

Mr. Geddes presented the petition of Rufus Fossit for a law regulating the compensation of members of the Legislature, which was read and referred to the committee on grievances.

Mr. Coffin presented the petition of Wm. P. Givens for the incorporation of the Mansion Square Female Seminary of Poughkeepsie, which was referred to the committee on literature.

Mr. Little, from the committee on charitable and religious societies, to which was referred a petition for that purpose, reported a bill entitled, "An act releasing the interest of the State in certain lands to the Wardens and Vestry of Christ Church in the town of Milton, Saratoga county," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 44.)

Mr. Cook, from the committee on banks and insurance companies, to which was referred a petition for that purpose, reported a bill entitled, "An act to incorporate the Merchant's and Mechanic's Insurance Company of the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 43.)

Mr. Smith from the committee on poor laws, reported in favor of the passage of the bill from the Assembly entitled, "An act directing the printing and distribution of the laws relating to the poor, and to amend chapter two hundred and fourteen of the laws of 1842," which was committed to the committee of the whole.

(See Senate Bill No. 47.)

Mr. Floyd, from the committee on grievances, to which was referred the petition of Rufus Fossit for a law regulating the compensation of members of the Legislature, reported the following resolution :

*Resolved*, That no further legislation on this subject is necessary.

The President put the question upon agreeing to the resolution, and it was decided in the affirmative.

Mr. Bokee, from the committee on cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the trustees of the village of Williamsburgh to raise money by loan to pay certain debts," which was committed to the committee of the whole.

(See Senate Bill No. 46.)

Mr. Wilkin, from the committee on the judiciary, to which was referred the resolutions of the supervisors of Cayuga county relative to salary of county clerk, reported adverse on the same, and presented the following resolution :

*Resolved*, That the prayer of the petitioners be denied.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative.

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act for the relief of Fernando Wood," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 45.)

On motion of Mr. Wilkin,

*Ordered*, That the petition of the supervisors of the county of

Onondaga for a repeal of the law providing for the registry of births, marriages and deaths, and for additional powers to the boards of supervisors in relation to county buildings, and for the election of county auditors, be referred to the committee on the internal affairs of towns and counties, and that the committee on the judiciary be discharged therefrom.

Mr. Coffin gave notice that he would, at an early day, ask leave to introduce a bill to supply vacancies of judges of county courts and district attorneys.

On motion of Mr. Floyd,

*Resolved*, That the committee on the judiciary be requested to inquire and report whether some further legislation is not necessary to secure purchasers at sales under foreclosure of mortgages.

On motion of Mr. Geddes,

*Resolved*, That the Clerk of the Senate furnish the Canal Appraisers' office with such number of Senate documents as may be necessary to complete the file in their office, if there are extra copies thereof to furnish the same without inconvenience to the Senate.

On motion of Mr. Floyd,

*Resolved*, That a respectful message be sent to the honorable the Assembly, requesting them to transmit the papers on file relating to the claim of Oliver Barker, and that the same when received be referred to the committee on claims.

Mr. Bokee offered for the consideration of the Senate the following resolution :

*Resolved*, That the select committee on the affairs of the Canal Bank be, and they are hereby authorised to employ a clerk to aid them in the investigation thereof.

On motion of Mr. Williams,

The said resolution was laid on the table.

On motion of Mr. Bond,

*Resolved*, That the bill entitled, "An act to vest in the boards of supervisors certain legislative powers," be taken from the committee of the whole and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Wilkin,

*Resolved*, That a respectful request be sent to the honorable the Assembly, to transmit to the Senate the papers on file in that House relating to an alteration in the Orange County Mutual Insurance Company.

On motion of Mr. Williams,

*Resolved*, That the committee on the judiciary be requested to prepare a bill providing for the filling of vacancies in public offices.

Mr. Wilkin laid on the table the following resolution, amendatory of the rules of the Senate :

*Resolved*, That the second order of the rules and orders of the Senate be amended as follows :

10. Unfinished business of the preceding day.

11. Special orders of the day ; and if in any case the unfinished business of the preceding day shall have taken the place of special



orders, these orders shall be taken up and acted on in their order of time.

Add the following to the order :

12. Unfinished business generally.

On motion of Mr. Williams,

*Resolved*, That the standing committee on banks and insurance companies be requested to inquire into the propriety of so amending the general banking law as to admit the deposit of United States stock as a basis of circulation.

The annual report of the Regents of the University as trustees of the State library, was presented by Mr. Lawrence.

(See Senate Doc. No. 21.)

Mr. Lawrence moved the printing of 500 copies for the use of the Regents of the University, which was referred to the printing committee.

On motion of Mr. Lawrence,

*Ordered*, That the report be referred to the joint library committee.

On motion of Mr. Treadwell,

The Senate then proceeded to the consideration of the question on agreeing to the report of the committee of the whole on the bill entitled, "An act for the further protection of personal liberty."

On motion of Mr. Bush,

*Ordered*, That the question on agreeing to said report be laid on the table.

In pursuance of previous notice,

Mr. Little asked for and obtained leave to bring in a bill entitled, "An act to authorise the Comptroller to issue registered notes in place of unregistered ones in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

In pursuance of previous notice,

Mr. Whallon asked for and obtained leave to bring in a bill entitled, "An act to repeal 'An act concerning passengers arriving at the port of entry and landing in this State,' passed December 10, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce.

A bill was received from the Assembly for concurrence entitled, "An act to confirm the official acts of John H. Cameron, a justice of the peace of the town of Athol," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the appraisal and payment of canal damages to John E. Van Eps," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to annex a part of the town of Sheldon to the town of Orangeville," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to extend the time for the collection of taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act relating to the highways in the towns of East Chester and White Plains," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice,

Mr. Frost asked for and obtained leave to introduce a bill entitled, "An act authorising the payment of a sum of money to John Camerton for giving information of an escheat," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Assembly also sent for concurrence the following resolutions, to wit :

*Resolved*, (if the Senate concur,) That so much of the act of Congress as imposes postage on newspapers not sent from the office of publication and requires it to be prepaid, was not demanded by the public interest, is impolitic and oppressive, and ought to be repealed.

*Resolved*, (if the Senate concur,) That the Senators in Congress from this State be requested, with the Representatives from this State, to use their best efforts to procure a repeal, at as early a day as practicable in the present session of Congress, of so much of the act referred to as is specified in the foregoing resolution, and also to procure a further reduction of postage on letters.

*Resolved*, (if the Senate concur,) That the Governor of this State be requested to transmit a copy of the foregoing resolutions to each of the said Senators and Representatives in Congress.

The President put the question upon agreeing to said first resolution, and it was decided in the affirmative.

*Ordered*, That the question on agreeing to the two last of said resolutions be laid on the table.

Mr. Bush moved that the Senate do now adjourn.

The President put the question upon agreeing to the said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Bond  
Mr. Burch  
Mr. Bush

Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Geddes

Mr. Little  
Mr. Smith  
Mr. Tamblin  
Mr. Treadwell

Mr. Colt	Mr. W. Hall	Mr. Williams	
Mr. Fine	Mr. Hawley		17

## FOR THE NEGATIVE.

Mr. Bokee	Mr. Cole	Mr. Whallon	
Mr. Clark	Mr. Cook	Mr. Wilkin	
Mr. Coffin	Mr. S. H. P. Hall		8

And then the Senate adjourned till 11 o'clock to-morrow morning.

THURSDAY, 11 O'CLOCK A. M., JANUARY 18, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The Journal of yesterday was read and approved.

Mr. Bokee presented the petition of William Powers and Peter Wyckoff, jr., executors of the last will of Thomas Poole, deceased, and others, for authority to sell parts of the real estate of the testator, which was referred to the committee on the judiciary.

Mr. Fuller presented the petition of citizens of Rochester for the sale of lands for taxes in the county where such lands are situated, which was referred to the select committee on that part of the Governor's message.

Mr. Cornwell presented the petition of D. B. Baldwin and others praying for the abolition of the death penalty, which was referred to the committee of the whole when on the bill relating to that subject.

Mr. Geddes presented the petition of the common council of Syracuse, and Oliver Teall and his associates, proprietors of the Syracuse Waterworks Company, for an act of incorporation, which was referred to the committee on the incorporation of cities and villages.

Mr. Cook presented the petition of 53 citizens of the town of Day for the repeal of the law authorising the erection of a bridge over the Sacandaga river at the Flansburgh rifts, which was referred to the committee on roads and bridges.

The President laid before the Senate the report of the State Engineer and Surveyor in answer to a resolution of the Senate in relation to Skajaquada creek, with accompanying plan, which was referred to the committee on canals.

Mr. Fuller, from the majority of the committee on canals, to which was referred the bill to authorise the abatement of a nuisance on lands owned by the people of the State of New-York and other lands in the city of Syracuse, made a report in writing.

Mr. Geddes moved that the bill be made a special order for to-morrow.

The President put the question upon agreeing to the said motion, and it was decided in the affirmative.

Mr. Cook, from the committee on banks and insurance companies, reported in favor of the passage of the bill from the Assembly entitled, "An act to reduce the capital stock of the Albany Insurance Company," which was committed to the committee of the whole.

*(See Senate Bill No. 48.)*

Mr. W. Hall, from the committee on public printing, reported in favor of printing five hundred copies of the annual report of the Trustees of the State Library for the use of the Regents of the University, and the usual number for the Legislature.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

On motion of Mr. Geddes,

The committee on internal affairs of towns and counties were discharged from the further consideration of the bill entitled, "An act to authorise the Young Men's Association of the city of Buffalo to borrow money for the erection of a building," and it was referred to the committee on literature.

On motion of Mr. Geddes,

The committee on internal affairs of towns and counties were discharged from the further consideration of the bill entitled, "An act to levy a tax upon school district No. 14 in the town of Milan and Pine Plains, to reimburse certain moneys to John Germond, David I. Hicks and Nathan Smith," and it was referred to the committee on literature.

Mr. Wilkin, from the committee on the judiciary, to which was referred the petition for that purpose, reported a bill entitled, "An act for the relief of certain purchasers of lands from the Trust Fire Insurance Company in the city of New-York," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 49.)*

Mr. Wilkin, from the committee on the judiciary, reported adverse to the petition of Abraham G. Thompson of the city of New-York for the alteration of the laws relating to usury, and offered the following resolution :

*Resolved*, That the prayer of the petitioner be not granted.

*Ordered*, That said resolution be laid on the table.

Mr. Wilkin, from the committee on the judiciary, reported adverse on the bill entitled, "An act to allow contracts of loan and forbearance on personal security for short periods," which was committed to the committee of the whole.

(See Senate Bill No. 50.)

In pursuance of previous notice,

Mr. Bokee asked for and obtained leave to bring in a bill entitled, "An act in relation to the foreclosure of mortgages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice,

Mr. Coffin asked for and obtained leave to introduce a bill entitled, "An act to provide for filling vacancies of county judges and district attorneys," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to confirm the official acts of John H. Cameron, a justice of the peace of the town of Athol," which was committed to the committee of the whole.

(See Senate Bill No. 51.)

Mr. Cook offered for the consideration of the Senate the following resolution :

*Resolved*, That in the judgment of the Senate the objects to be attained by insurance corporations, which are security to the community insured, and a profitable employment of capital for that purpose, can be attained under a general insurance law.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Lawrence
Mr. Betts	Mr. Fox	Mr. Little
Mr. Bokee	Mr. Fuller	Mr. Martin
Mr. Bush	Mr. Geddes	Mr. Smith
Mr. Côle	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Colt	Mr. Hawley	Mr. Whallon
Mr. Cook	Mr. Johnson	Mr. Williams
		21

FOR THE NEGATIVE.

Mr. Clark	Mr. Coffin	Mr. Frost	3
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On motion of Mr. Geddes,

*Resolved*, That the commissioners of the code be requested to furnish a draft of a bill in accordance with their views set forth in their communication to the Legislature, in relation to highways, bridges and ferries.

The Senate then proceeded to the consideration of the resolution heretofore offered by Mr. S. H. P. Hall, in the words following, to wit :

*Resolved*, (if the Assembly concur) That the two Houses of the Legislature proceed, on the sixth day of February next at twelve o'clock at noon, to the election of a United States Senator in place of John A. Dix, whose term of service expires on the fourth of March next.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bond	Mr. Cook	Mr. Hawley
Mr. Burch	Mr. Fine	Mr. Little
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	Mr. Williams

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#### FOR THE NEGATIVE.

Mr. Bokee	Mr. Lawrence	Mr. Tamblin
Mr. Floyd	Mr. Smith	Mr. Whallon
Mr. Johnson		

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*Ordered*, That the Clerk deliver a copy of said resolution to the Assembly, and request their concurrence therein.

Mr. Clark offered for the consideration of the Senate the following resolution :

*Resolved*, That the commissioners on practice and pleadings be directed to explain their communication of the 13th inst., by informing the Legislature,

1st. How the difficulty of the work which the commissioners propose to accomplish has been increased "by the persevering hostility of large and powerful bodies of men, not only to the code, but to the Constitution of which it is the offspring."

2d. What "large and powerful bodies of men" are chargeable with "persevering hostility to the Constitution."

3d. What "large and powerful bodies of men" are chargeable with "persevering hostility to the code."

On motion of Mr. Fine,

*Ordered*, That the said resolution be laid upon the table.

The following resolution was then called up for consideration :

*Resolved*, That the select committee on the affairs of the Canal Bank be, and they are hereby authorised to employ a clerk to aid them in the investigation thereof.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Petts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Burch	Mr. Fox	Mr. Little
Mr. Bush	Mr. Frost	Mr. Martin
Mr. Clark	Mr. Fuller	Mr. Smith
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Williams

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FOR THE NEGATIVE.

Mr. Adams	Mr. Geddes	Mr. Treadwell
Mr. Cornwell	Mr. Tamblin	

5

Mr. Williams offered for the consideration of the Senate the following resolution :

*Resolved*, That the committee on internal affairs of towns and counties be requested to inquire into the expediency of abolishing the system of licensing the sale of intoxicating drinks, and report at their earliest convenience.

Mr. Tamblin moved to amend by striking out the words "internal affairs of towns and counties," and inserting "grievances"

The President put the question upon agreeing to the said amendment, and it was decided in the negative.

The President then put the question upon agreeing to the said resolution as offered by Mr. Williams, and it was decided in the affirmative.

On motion of Mr. Fuller,

*Resolved*, That "An act to provide for the appraisal and payment of canal damages to Cicero Collins, Charles W. Woolston and Erastus Hughes," be taken from the general orders and referred back to the standing committee on canals.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to abolish capital punishment," and after some time spent thereon, Mr. Geddes, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to incorporate the members of the East Tennessee Conference of the Methodist Episcopal Church," and after some time spent thereon, Mr. Adams, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise the judges of county courts to alter the time of holding their said courts," and after some time spent thereon, Mr. Cole, from said committee, reported in favor of the passage of the same with amendments, which report was agreed to.

*Ordered*, That said bill be engrossed for a third reading.

And then the Senate adjourned till 11 o'clock to-morrow morning.

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### FRIDAY, 11 O'CLOCK A. M., JANUARY 19.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Brown.

The Journal of yesterday was read and approved.

Mr. Johnson presented the petition of John Tocsin and others, head men of the Stockbridge Indians, for relief, which was referred to the committee on Indian affairs.

Mr. Geddes presented the petition of citizens of Geddes for a free school, which was referred to the committee of the whole when on the bill to which it relates.

Mr. Geddes also presented the petition of Oliver Barber for payment of damages occasioned by raising the water on the Geddes level of the Erie canal, which was referred to the committee on claims.

Mr. Whallon presented the petition of forwarders and others in relation to tolls on railroads, which was referred to the committee on finance.

Mr. Geddes presented the petition of the treasurer of the county of Onondaga praying for such alterations in the law as may be necessary to secure the payment to the county judge of the fees of his office, which was referred to the committee on the judiciary.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act relating to highways in the towns of East Chester and White Plains," which was committed to the committee of the whole.

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act for the relief of the estate of Rutherford Stuyvesant," with an amendment, which was committed to the committee of the whole.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act to levy a tax upon school district No. 14 in the towns of Milan and Pine Plains to reimburse certain moneys to John Germond, David J.



Hicks and Nathan Smith," which was committed to the committee of the whole.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the Young Men's Association of the city of Buffalo to borrow money for the erection of a building," which was committed to the committee of the whole.

Mr. Treadwell, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the purchase of the toll bridge at Jessup's Little Falls and make the same a public highway," which was committed to the committee of the whole.

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to extend the time for the collection of taxes," which was committed to the committee of the whole.

Mr. Geddes, from the same committee, asked to be discharged from the further consideration of a resolution heretofore referred to them in relation to the expediency of abolishing the system of licensing the sale of intoxicating drinks, and that the same be referred to a select committee.

The President put the question whether the Senate would consent to discharge said committee and refer as moved, and it was decided in the affirmative.

*Ordered*, That Messrs. Williams, Betts and Burch be said committee.

Mr. Wilkin, from the majority of the committee on the judiciary, reported a bill entitled, "An act to provide for filling vacancies in office," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bush,

*Ordered*, That said bill be made the special order for Monday the 22d inst.

*(See Senate Bill No. 58.)*

Mr. Williams, from the committee on claims, to which was referred the petition for that purpose, reported a bill entitled, "An act for the relief of Zebulon Moore," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

*(See Senate Bill No. 60.)*

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills:

"An act to incorporate the trustees of the East Genesee Annual Conference of the Methodist Episcopal Church," also

"An act authorising the county judges to change the times of holding the county courts in and for their respective counties."

A bill was received from the Assembly for concurrence entitled, "An act to amend the charter of the Washington Monument Association of the city of New-York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
January 18, 1849. }

To the SENATE,—

I have this day approved and signed a bill entitled, "An act to provide for the construction of a bridge across the Cattaraugus creek at Upper Irving,"

HAMILTON FISH.

On motion of Mr. Cook,

*Ordered*, That the committee on banks and insurance companies be discharged from the further consideration of the bill to amend section 15, article 1, title 4, chapter 8, part 3, of the Revised Statutes, and that the same be referred to the judiciary committee.

On motion of Mr. Floyd,

*Resolved*, That the committee on internal affairs of towns and counties, to whom has been referred the bill giving legislative powers to boards of supervisors, be instructed to inquire into the expediency of making such amendments as will give to said boards powers,

1. To fill vacancies in the offices of county clerk, sheriff, coroners, district attorneys, county superintendents of the poor, and county treasurer.

2. To abolish the distinction between town and county poor, and to restore such distinction.

3. To appoint wreck masters in all counties where such officers exist.

4. To regulate the preservation and destruction of wild beasts and birds, fish, eels and shell fish, or to give bounties and impose penalties for such destruction.

5. To impose taxes upon dogs and provide for their destruction, and for the preservation of sheep.

On motion of Mr. Fine,

*Resolved*, That the majority and minority of the special committee to which was referred the petition of the Northern Railroad Company at the last session, have permission to make written reports in lieu of their verbal reports.

On motion of Mr. Clark,

*Resolved*, That the State Engineer and Surveyor be requested to furnish a statement of the lands sold during the last fiscal year, belonging to the different funds ; also a statement of all the unsold lands belonging to the people of this State, specifying the tracts and counties where situated, the number of acres, and the funds to which they respectively belong.

On motion of Mr. Treadwell,

*Resolved*, That a respectful message be transmitted to the Assembly, for the petitions and papers on file in that House relating to the claim of Isaac Ledyard and John P. Mathews, and that they be referred to the standing committee on claims.

Mr. Adams offered for the consideration of the Senate the following resolution, which was laid on the table, to wit:

*Resolved*, (if the Assembly concur,) That the following amendment be proposed to the Constitution of this State; that such amendment be entered on the journals with the yeas and nays taken thereon, and referred to the Legislature, to be chosen at the next general election of Senators, and published as provided by section first, article thirteen of said Constitution, viz: all that part of section twelve of article first of the Constitution of this State, which reads as follows: "Saving however all rents and services certain which at any time heretofore have been lawfully created or reserved," is abolished.

A message was received from the Assembly informing the Senate that they had passed the following bill without amendment:

"An act to amend an act entitled, 'An act to provide for the construction of a railroad from Geneseo to the Genesee Valley canal.'"

*Ordered*, That said bill be transmitted to the Governor.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the payment of certain canal damages to Avery Z. Kingsley, executor of Amos Kingsley," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the chairman of the board of supervisors of the county of Delaware to convey certain real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to extend the time for county superintendents of the poor, elected in November, 1848, to execute and file their official bond, and to take the oath of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act conferring jurisdiction upon justices of the peace in the city of Rochester, in actions upon the charter or bye-laws of said corporation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Treadwell,

The Senate then proceeded to the consideration of the question on agreeing with the report of the committee of the whole on the bill entitled, "An act for the further protection of personal liberty."

And debate being had thereon,

Mr. Martin moved to lay the question on agreeing with the report of the committee of the whole on the table.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Bush	Mr. W. Hall	Mr. Martin
Mr. Clark	Mr. Johnson	Mr. Tamblin
Mr. Cole	Mr. Lawrence	Mr. Wilkin
Mr. Colt	Mr. Little	Mr. Williams
Mr. S. H. P. Hall		

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FOR THE NEGATIVE.

Mr. Adams	Mr. Cook	Mr. Fuller
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Smith
Mr. Bond	Mr. Floyd	Mr. Treadwell
Mr. Burch	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	

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And after further debate,

On motion of Mr. Wilkin,

*Ordered*, That the question on agreeing to said report be laid on the table.

On motion of Mr. W. Hall,

*Resolved*, That a respectful message be sent to the honorable the Assembly, requesting the transmission to the Senate of the papers on file in that House in relation to John Haggarty and others, stockholders of the Cayuga Bridge Company.

Mr. Wilkin gave notice that he would, at some future time, ask leave to introduce a bill to continue in office the commissioners on practice and pleadings.

In pursuance of previous notice,

Mr. Wilkin asked for and obtained leave to bring in a bill entitled, "An act to continue in office the commissioners on practice and pleadings," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 59.)

The President laid before the Senate the following communication :

*Albany, Jan. 19, 1849.*

To the Hon. the SENATE,

*Of the State of New-York:*

Gentlemen—The managers of the Young Men's Association of this city would respectfully tender to your honorable body the use of

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their reading rooms, situated in the Exchange, over the post office, during their session this winter.

Very respectfully,

M. W. L'AMERAUX,

*Corresponding Sec'y.*

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to authorise the abatement of a nuisance on lands owned by the people of the State of New-York in the city of Syracuse, and other lands," and after some time spent thereon, Mr. Betts, from said committee, reported in favor of the passage of the same with amendments.

The question being on agreeing to the report of the committee of the whole,

On motion of Mr. Clark,

*Ordered*, That the question on agreeing with the report of the committee be laid on the table.

On motion of Mr. Martin,

*Ordered*, That the Senate do this day hold an afternoon session, beginning at 4 o'clock.

The Senate then took a recess until 4 o'clock P. M.

#### 4 O'CLOCK P. M.

The Senate then proceeded to consider the question on agreeing to the report of the committee of the whole on the bill entitled, "An act to authorise the abatement of a nuisance on lands owned by the people of the State of New-York, and other lands in the city of Syracuse."

On motion of Mr. Fuller, and by unanimous consent,

The report of the committee was amended, by striking out of the ninth and tenth lines of the 3d section the words "satisfactory to the common council," and by adding at the end of the 3d section, "the owner, his heirs or assigns, may redeem such lands from such sale, at any time within one year thereafter, by paying the purchase money or so much thereof as shall belong to said common council, with seven per cent interest thereon, and no conveyance shall be executed for any such land until the time of redemption shall have expired."

Also to amend the 7th section, by inserting after the word "provided" in the fifth line, the words "that the State lands shall first be filled up and graded according to the plan and specifications to be made and approved as aforesaid, and what earth then remains only, shall be applied to filling up and grading the lands of adjacent owners, and that such peninsula," and by striking out the words "the same" in the fifth line.

Mr. Clark moved to recommit the bill to the committee of the whole, with instructions so to amend the bill as to authorise the

sale of that portion of the lands belonging to the State by the Commissioners of the Land Office, subject to the subsisting leases, and apply the proceeds according to law.

The President put the question upon agreeing to the motion, and it was decided in the negative.

The President then put the question on agreeing to the report of the committee of the whole as amended, and it was decided in the affirmative.

*Ordered, That said bill do have its third reading.*

And then the Senate adjourned till 11 o'clock to-morrow morning.

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## SATURDAY, 11 O'CLOCK A. M., JANUARY 20, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The Journal of yesterday was read and approved.

Mr. Lawrence presented the memorial of the Cypress Hill cemetery for authority to hold additional land, which was referred to a select committee consisting of Senators from the 1st and 2d senatorial districts.

Mr. Cook, from the committee on banks and insurance companies, reported in favor of the passage of the bill to authorise the Comptroller to issue registered notes in lieu of unregistered ones in certain cases, which was committed to the committee of the whole.

*(See Senate Bill No. 61.)*

Mr. Cook, from the committee on banks and insurance companies, to which was referred a petition for that purpose, reported a bill entitled, "An act to incorporate the Auburn Savings Institution," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 62.)*

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to amend section 15, article 1, title 4, chapter 8, part 3 of the Revised Statutes," which was committed to the committee of the whole.

*(See Senate Doc. No. 69.)*

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to authorise the abatement of a nuisance on lands owned by the people of the State of New-York, and other lands in the city of Syracuse."

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the chairman of the board of supervisors of Delaware county to convey certain real estate," which was committed to the committee of the whole.

*(See Senate Bill No. 64.)*

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to extend the time for county superintendents of the poor, elected in November, 1848, to execute and file their official bond, and to take the oath of office," which was committed to the committee of the whole.

*(See Senate Bill No. 63.)*

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act conferring jurisdiction upon justices of the peace in the city of Rochester, in actions upon the charter or bye-laws of said corporation," which was committed to the committee of the whole.

*(See Senate Bill No. 65.)*

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the charter of the Washington Monument Association of the city of New-York," which was committed to the committee of the whole.

*(See Senate Bill No. 66.)*

Mr. Clark, from the committee on claims, to which was referred the petition for that purpose, reported a bill entitled, "An act for the relief of George W. Murray," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 67.)*

Mr. Wilkin, from the committee on the judiciary, to which was referred the petition for that purpose, reported a bill entitled, "An act for the relief of Nathaniel Mather," which was read the first time,

and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 68.)

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
January 20, 1849. }

To the SENATE,—

I have this day approved and signed a bill entitled, "An act to amend an act entitled, 'An act to provide for the construction of a railroad from Geneseo to the Genesee Valley canal.'"

HAMILTON FISH.

Mr. Fine gave notice that he would, at an early day, ask leave to introduce a bill to amend the act for the more effectual protection of the property of married women, passed April, 1848.

The bill entitled, "An act to incorporate the members of the East Genesee Conference of the Methodist Episcopal Church," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Brownson	Mr. Frost	Mr. Martin
Mr. Burch	Mr. Fuller	Mr. Smith
Mr. Clark	Mr. Geddes	Mr. Tamblin
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin
Mr. Colt		

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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act authorising the county judges to change the times of holding the county courts in and for their respective counties," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. W. Hall
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Brownson	Mr. Frost	Mr. Martin
Mr. Burch	Mr. Fuller	Mr. Smith



Mr. Coffin  
Mr. Cole  
Mr. Colt

Mr. Geddes  
Mr. S. H. P. Hall

Mr. Tamblin  
Mr. Whallon

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*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to authorise the abatement of a nuisance on lands owned by the people of the State of New-York and other lands in the city of Syracuse," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bond  
Mr. Brownson  
Mr. Burch  
Mr. Coffin  
Mr. Cole

Mr. Colt  
Mr. Cornwell  
Mr. Fine  
Mr. Fox  
Mr. Frost  
Mr. Fuller

Mr. Geddes  
Mr. W. Hall  
Mr. Lawrence  
Mr. Little  
Mr. Martin  
Mr. Wilkin

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#### FOR THE NEGATIVE.

Mr. Floyd

Mr. Tamblin

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The President laid before the Senate a communication from the State Engineer and Surveyor in answer to a resolution of the Senate of the 19th inst. in relation to unsold State lands, which was laid on the table.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to extend the time for the collection of taxes," and after some time spent thereon, Mr. Wilkin, from said committee, reported in favor of the passage of the same without amendment, which was ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend the 73d section, title 4, chapter 2, part 4, of the Revised Statutes," and Mr. Cook, from said committee, reported that the committee had stricken out the enacting clause of the said bill.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to establish free schools throughout the State," and after some time spent thereon, Mr. Fuller, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Hawley,

A substitute for said bill, being an act entitled, "An act establishing free schools throughout the State," was ordered printed and referred to said committee.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to the removal of convicts from one State prison to another," and after some time spent thereon, Mr. Brownson, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the appointment of referees in the city of New-York," and after some time spent thereon, Mr. Burch, from said committee, reported in favor of the passage of the same with an amendment.

*Ordered*, That the said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to change the name of Archibald Morrison Stone to Archibald Morrison Morrison," and after some time spent thereon, Mr. Little, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act releasing the interest of the State in the property of St. James church in Saratoga county to the Wardens and Vestry of Christ's church, in the town of Milton, Saratoga county," and after some time spent thereon, Mr. Smith, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That the said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the relief of Fernando Wood," and after some time spent thereon, Mr. Clark, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to continue in office the commissioners on practice and pleadings," and after some time spent thereon, Mr. Adams, from said committee, reported in favor of the passage of the same with amendments.

Mr. Tamblin moved to amend the report of the committee of the whole by inserting the following as section second of the said bill :

§ 2. The said commissioners shall be under the same disabilities as to practicing as attorneys, solicitors and counsel, as the justices of the supreme court.

The President put the question upon agreeing to the said amendment, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Clark	Mr. S. H. P. Hall	6
Mr. Betts	Mr. Coffin	Mr. Tamblin	

## FOR THE NEGATIVE.

Mr. Bokee	Mr. Fine	Mr. Lawrence	23
Mr. Bond	Mr. Floyd	Mr. Little	
Mr. Brownson	Mr. Fox	Mr. Martin	
Mr. Burch	Mr. Frost	Mr. Smith	
Mr. Cole	Mr. Fuller	Mr. Whallon	
Mr. Colt	Mr. Geddes	Mr. Wilkin	
Mr. Cook	Mr. Hawley	Mr. Williams	
Mr. Cornwell	Mr. Johnson		

And then the question coming on agreeing with the report of the committee of the whole,

The President put the question upon agreeing to the said report, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. W. Hall	19
Mr. Brownson	Mr. Floyd	Mr. Hawley	
Mr. Burch	Mr. Fox	Mr. Lawrence	
Mr. Coffin	Mr. Fuller	Mr. Martin	
Mr. Cole	Mr. Geddes	Mr. Smith	
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Cook			

## FOR THE NEGATIVE.

Mr. Adams	Mr. Clark	Mr. Little	6
Mr. Bokee	Mr. Johnson	Mr. Williams	

*Ordered*, That said bill be engrossed for a third reading.

Mr. Bond moved to make the act entitled, "An act to exempt from execution the homestead of a householder having a family," a special order.

The President put the question upon agreeing to the said motion, and it was decided in the affirmative.

A bill was received from the Assembly for concurrence entitled, "An act to pay Josua B. VanDeusen and Francis Bates certain sums of money for fines, costs and expenses paid by them in consequence of taking Barney Hics, an escaped convict," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to confirm the official acts of the officers of the town of

North Hudson elected at, and to legalise the town meeting held therein on the third Tuesday of April, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise the Dexter, Brownville and Pamela Plank Road Company to erect a toll gate on that part of their road now finished," and after some time spent thereon, Mr. Frost, from said committee, reported in favor of the passage of the same without amendment, which was ordered to a third reading.

Mr. Clark moved the printing of 500 copies of the report of the State Engineer and Surveyor this day made on the subject of unsold lands of the State, which was referred to the committee on public printing.

And then the Senate adjourned till Monday morning at 11 o'clock.

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## MONDAY, 11, O'CLOCK A. M. JANUARY 22, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Clapp.

The Journal of Saturday was read and approved.

Mr. Geddes presented the petition of the owners of the dam and canal at Baldwinsville for a renewal of their charter, which was referred to the committee on canals.

Mr. Johnson presented the petition of Peter Wilson, a Cayuga chief, in relation to the law of 1848 entitled, "An act to provide for the distribution of annuities due from the State of New-York to the Cayuga nation of Indians," which was referred to the committee on Indian affairs.

Mr. Frost presented the petition of the Harlem railroad conductors for an amendment of the law compelling railroad conductors to wear badges in their hats, which was referred to the committee on railroads.

Mr. Brownson, from the committee on public printing, reported in favor of printing five times the usual number of the report of the State Engineer and Surveyor in relation to lands unsold.

The President put the question upon agreeing to the said report, and it was decided in the affirmative.

Mr. Hawley, from the select committee of the Senate appointed at the last session of the Legislature to examine into the facts connected with the destruction of certain buildings at Astoria, made a report in writing, which was laid on the table.

On motion of Mr. Adams,

The select committee on the memorial of John Young, James Harper and others in relation to the transportation of the mineral waters in Saratoga, were discharged from the further consideration of the petition.

Mr. Wilkin gave notice that he would, at some future day, ask leave to introduce a bill to amend an act entitled, "An act for the incorporation of benevolent, charitable, scientific and missionary societies," passed April 12, 1848.

On motion of Mr. Fuller,

*Resolved*, That the Secretary of State be requested to transmit to the Senate copies of the contracts with the present contractors for the State printing.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills:

"An act in relation to the removal of convicts from one State prison to another," also

"An act for the appointment of referees in the city of New-York," also

"An act to continue in office the commissioners on practice and pleadings."

The bill from the Assembly entitled, "An act to extend the time for the collection of taxes," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson
Mr. Betts	Mr. Fox	Mr. Lawrence
Mr. Bond	Mr. Frost	Mr. Little
Mr. Brownson	Mr. Fuller	Mr. Martin
Mr. Burch	Mr. Geddes	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Coffin	Mr. W. Hall	Mr. Williams
Mr. Colt	Mr. Hawley	

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill entitled, "An act in relation to the removal of convicts from one State prison to another," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fox	Mr. Lawrence
Mr. Betts	Mr. Frost	Mr. Little
Mr. Brownson	Mr. S. H. P. Hall	Mr. Martin
Mr. Coffin	Mr. W. Hall	Mr. Tamblin
Mr. Colt	Mr. Hawley	Mr. Wilkin
Mr. Cornwell	Mr. Johnson	Mr. Williams

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to authorise the Dexter, Brownville and Pamela Plank Road Company to erect a toll gate on that part of their road now finished," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fox	Mr. Johnson
Mr. Betts	Mr. Frost	Mr. Lawrence
Mr. Bond	Mr. Fuller	Mr. Little
Mr. Brownson	Mr. Geddes	Mr. Martin
Mr. Burch	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Colt	Mr. W. Hall	Mr. Wilkin
Mr. Cornwell	Mr. Hawley	Mr. Williams

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act for the appointment of referees in the city of New-York," coming up for its third reading,

Mr. Tamblin moved to recommit said bill to the committee of the whole.

On motion of Mr. Cole,

The motion to recommit said bill was laid on the table.

The bill from the Assembly entitled, "An act to continue in office the commissioners on practice and pleadings," was read a third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. S. H. P. Hall
Mr. Brownson	Mr. Fox	Mr. W. Hall
Mr. Burch	Mr. Frost	Mr. Hawley
Mr. Coffin	Mr. Fuller	Mr. Lawrence
Mr. Cole	Mr. Geddes	Mr. Wilkin
Mr. Colt		

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## FOR THE NEGATIVE.

Mr. Adams  
Mr. Clark  
Mr. Johnson

Mr. Little  
Mr. Martin

Mr. Tamblin  
Mr. Wilkams

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Mr. Hawley moved to reconsider the vote by which said bill was rejected.

On motion of Mr. Cole,  
Said motion was laid on the table.

The bill entitled, "An act to incorporate the Niagara Falls Bridge Company," coming up for its third reading,

Mr. Cole moved to recommit said bill to the committee of the whole.

The President put the question upon agreeing to the said motion, and it was decided in the affirmative.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to provide for filling vacancies in office," and after some time spent thereon, Mr. Fuller, from said committee, reported progress, and asked for and obtained leave to sit again.

*Ordered*, That the amendments to said bill, offered in committee of the whole, be printed.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to incorporate the Merchant's and Mechanic's Insurance Company of the city of Albany," and after some time spent thereon, Mr. Wilkin, from said committee, reported progress on said bill.

*Ordered*, That said bill be recommitted to the committee on banks and insurance companies.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the relief of certain purchasers of lands from the Trust Fire Insurance Company of the city of New-York," and after some time spent thereon, Mr. Hawley, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That the said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to confirm the title of the First Baptist Church and Society of Newfane to certain lands," and after some time spent thereon, Mr. S. H. P. Hall, from said committee, reported in favor of the passage of the same without amendment, which was ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise the Comptroller to employ additional clerks for certain purposes, and making appropriations for their payment," and Mr. Fox, from said committee, reported that the committee had stricken out the enacting clause of said bill.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate do non-concur in the passage thereof.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise the clerk of the county of Erie to appoint a special deputy," and after some time spent thereon, Mr. Martin, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act directing the printing and distribution of the laws relating to the poor, and to amend chapter 214 of the laws of 1842," and Mr. Lawrence, from said committee, reported that the committee had struck out the enacting clause to said bill.

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate do non-concur in the passage thereof.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise the trustees of the village of Williamsburgh to raise money by loan to pay certain debts," and after some time spent thereon, Mr. Coffin, from said committee, reported in favor of the passage of the same without amendment, which was ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to reduce the capital stock of the Albany Insurance Company," and after some time spent thereon, Mr. Bond, from said committee, reported in favor of the passage of the same without amendment, which was ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to confirm the official acts of John H. Cameron, a justice of the peace in the town of Athol," and after some time spent thereon, Mr. Tamblin, from said committee, reported in favor of the passage of the same without amendment.

On motion of Mr. Hawley,

The question on agreeing to the report of the committee was laid on the table.

And then the Senate adjourned till 11 o'clock to-morrow morning.



TUESDAY, 11 O'CLOCK A. M., JANUARY 23, 1849.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Campbell.

The Journal of yesterday was read and approved.

Mr. Fuller presented the petition of George H. Buck for canal damages, which was referred to the committee on claims.

Mr. Fuller also presented the petition of C. A. Jones and Henry F. Rogers for compensation for losses in building the Western House of Refuge, which was referred to the committee on claims.

Mr. Fuller also presented the petition of supervisors of Monroe county for an act to abolish the mayor's court of said county, which was referred to the committee on the judiciary.

Mr. Fuller also presented the memorial of the directors of the Rochester city hospital, which was referred to the committee on medical societies.

Mr. Fuller also presented the petition of the supervisors of Monroe county for an act to abolish the mayor's court of said county, which was referred to the committee on the judiciary.

Mr. Geddes presented the memorial of Sanford C. Parker and 36 other citizens of Baldwinsville in relation to a dam across Seneca river, which was referred to the committee on canals.

Mr. Cook presented the petition of 36 citizens of Day for the repeal of the law authorising the erection of a bridge across the Sacandaga river at Flansburgh Rift, which was referred to the committee on roads and bridges.

Mr. Fuller presented the petition of the chairman and clerk of the board of supervisors of Monroe county for a law requiring foreign insurance agents to pay to county treasurer of Monroe county two per cent premiums received by them, which was referred to the committee on banks and insurance companies.

Mr. Cook, from the committee on banks and insurance companies, to which was referred a petition for that purpose, reported a bill entitled, "An act to incorporate the Albany City Savings Institution," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 71.)

Mr. Williams, from the committee on claims, reported adverse to the passage of the bill from the Assembly entitled, "An act to authorise the appraisal and payment of canal damages to John E. Van Eps," which was committed to the committee of the whole.

Mr. Clark, from the committee on claims, reported adverse to the passage of the bill from the Assembly entitled, "An act to autho-

rise the payment of certain canal damages to Avery Z. Kingsley, executor of Amos Kingsley," which was committed to the committee of the whole.

(See Senate Bill No. 73.)

On motion of Mr. S. H. P. Hall,

*Ordered*, That the bill entitled, "An act to provide for a free school in district No. 5 in the town of Bath in the county of Steuben," be referred to the standing committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act to authorise and direct the surrogate of the county of Richmond to admit to probate and record the last will and testament of Joseph P. Burger, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to confirm the official acts of the officers of the town of North Hudson elected at, and to legalise the town meeting held therein, on the third Tuesday of April, 1848," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act for the relief of Fernando Wood," also

"An act releasing the interest of the State in the property of St. James church in Saratoga county to the Wardens and Vestry of Christ's church, in the town of Milton, Saratoga county," also

"An act to change the name of Archibald Morrison Stone to Archibald Morrison Morrison."

The President laid before the Senate the following communication :

The members of the Senate are invited to attend the annual commencement of the Albany Medical College, this evening at 7 o'clock, in the Anatomical Theatre of the college. The valedictory address will be delivered by Dr. Armsby.

*Thursday, Jan. 23, 1849.*

On motion of Mr. Smith,

*Resolved*, That the Secretary of State report to the Senate the amount of the fees of the several county clerks, and of the register of the city and county of New-York, for the years 1847 and 1848 respectively, according to the statements of their fees filed by them in the said Secretary's office.

On motion of Mr. Bokee,

*Resolved*, That the petition of Mary Murray and others, with the documents relating thereto, presented during the last session, be taken from the files of the Senate and referred to the committee on claims.

On motion of Mr. Coffin,

*Resolved*, That the petition and papers relating to the reduction of wharfage on vessels entering the Albany basin, be taken from the files of the Assembly and referred to the committee on commerce and navigation in the Senate.

On motion of Mr. Fuller,

*Resolved*, That the petition of citizens of Rochester for the passage of a law in relation to certain claims, and the bill entitled, "An act authorising a certiorari in certain cases," be taken from the files of the last session and referred to the committee on the judiciary.

On motion of Mr. Johnson,

*Resolved*, That the Mutual Safety Insurance Company, located in the city of New-York, report to the Senate without delay, under the oaths of their president and secretary,

1st. A statement in detail of the losses sustained by said company, and which have been paid by it.

2d. A statement of the claims against said company for losses which have not yet been paid.

3d. The amount in gross premiums which have been received by said company.

4th. A detailed statement of the assets of said company, specifying particularly how each parcel thereof is invested.

5th. A statement of the amount paid by said company for expenses, salaries of officers, clerk hire, rent, and other expenses, including fees or commissions to agents.

6th. A statement of the amount now insured by said company on policies unexpired.

Mr. Coffin gave notice that he would, at some future day, ask leave to introduce a bill to provide for the reduction of wharfage to be charged on vessels entering the Albany basin.

Mr. Hawley called for the question on the reconsideration of the vote by which the bill entitled, "An act to continue in office the present commissioners on practice and pleadings," was rejected.

Mr. Clark raised the point of order, that under the 27th rule of the Senate, this being a bill making an appropriation of the public money, could not, after having been once rejected, reconsidered.

The President decided the motion to reconsider to be in order.

Mr. Johnson moved to lay on the table the motion to reconsider.

The President put the question upon agreeing to the motion, and it was decided in the negative.

The President put the question upon agreeing to the said motion to reconsider, and it was decided in the affirmative.

The said bill was then passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts  
Mr. Brownson

Mr. Cornwell  
Mr. Fine

Mr. S. H. P. Hall  
Mr. W. Hall

Mr. Burch  
Mr. Bush  
Mr. Coffin  
Mr. Cole  
Mr. Colt  
Mr. Cook

Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. Geddes

Mr. Hawley  
Mr. Lawrence  
Mr. Smith  
Mr. Whallon  
Mr. Williams

22

## FOR THE NEGATIVE.

Mr. Adams  
Mr. Bokee  
Mr. Bond

Mr. Clark  
Mr. Johnson

Mr. Little  
Mr. Martin

7

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act releasing the interest of the State in the property of St. James Church in Saratoga county to the Wardens and Vestry of Christ Church in the town of Milton, Saratoga county," was read the third time.

On motion of Mr. Cook, and by unanimous consent,

The bill was amended by inserting the word "seven" in place of the word "eight" in the seventh line of the first section of said bill, and the word "ninety" in the place of the word "forty" in the eighth line of said section, and by adding the word "Milton" in the third line of the title.

The bill was then passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Brownson  
Mr. Burch  
Mr. Bush  
Mr. Clark  
Mr. Cole

Mr. Colt  
Mr. Cook  
Mr. Cornwell  
Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Fuller  
Mr. Geddes

Mr. W. Hall  
Mr. Johnson  
Mr. Lawrence  
Mr. Little  
Mr. Martin  
Mr. Smith  
Mr. Whallon  
Mr. Williams

25

*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to change the name of Archibald Morrison Stone to Archibald Morrison Morrison," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cook	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Clark	Mr. Fuller	Mr. Williams
Mr. Cole	Mr. W. Hall	

23

## FOR THE NEGATIVE.

Mr. Geddes

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then proceeded to the consideration of executive business.

When the executive session had terminated,

The bill entitled, "An act for the relief of Fernando Wood," was read the third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Lawrence
Mr. Brownson	Mr. Floyd	Mr. Little
Mr. Burch	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. Geddes	Mr. Williams
Mr. Cole	Mr. S. H. P. Hall	

29

## FOR THE NEGATIVE.

Mr. Smith

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to reduce the capital stock of the Albany Insurance Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Lawrence
Mr. Brownson	Mr. Floyd	Mr. Little
Mr. Burch	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Smith
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. Geddes	Mr. Williams
Mr. Cole	Mr. S. H. P. Hall	

29

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to confirm the title of the First Baptist Church and Society in Newfane to certain lands," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. W. Hall
Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cook	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Lawrence
Mr. Brownson	Mr. Floyd	Mr. Little
Mr. Burch	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Smith
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Williams

27

## FOR THE NEGATIVE.

Mr. Cornwell	Mr. Geddes	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to abolish capital punishment," and after some time spent thereon, Mr. Geddes, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Bush, and by unanimous consent,

*Resolved*, That the Assembly be requested to return to the Senate the bill entitled, "An act directing the printing and distribution of the laws relating to the poor."

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act for the relief of the estate of Rutherford Stuyvesant," and after some time spent thereon, Mr. Fine, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act relating to highways in East Chester and White Plains," and after some time spent thereon, Mr. Bond, from said committee, reported in favor of the passage of the same without amendment, which was ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise the clerk of the county of Erie to appoint a special deputy," and after some time spent thereon, Mr. Brownson, from said committee, reported in favor of the passage of the same without amendment, which was ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise the Young Men's Association of Buffalo to borrow money," and after some time spent thereon, Mr. Brownson, from said committee, reported in favor of the passage of the same without amendment, which was ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise the purchase of the toll bridge at Jessup's Little Falls, and to make the same a public highway," and after some time spent thereon, Mr. Cornwell, from said committee, reported progress, and asked for and obtained leave to sit again.

And then the Senate adjourned till 11 o'clock to-morrow morning.

WEDNESDAY, 11 O'CLOCK A. M., JANUARY 24, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Clapp.

The Journal of yesterday was read and approved.

Mr. Clark presented the petition of Cyrus Durham and others for the payment of an award, which was referred to the committee on canals.

Mr. Tamblin presented the petition of citizens of Oswego and Jefferson for the abolition of capital punishment, which was committed to the committee of the whole.

Mr. Hawley presented the petition of citizens of Livingston county for a revision of the tax laws and that taxes be imposed on debts due non-residents, which was laid on the table.

Mr. Hawley presented the petition R. L. Dorr and other citizens of Livingston county for a law prohibiting the future deposit of the State revenue in banks, and providing for the safe keeping of the funds of the State in some place other than banks, which was referred to the committee on finance.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill entitled, "An act authorising a loan from the common school fund to the county of Orleans for the purpose of building a bridge across the Oak Orchard creek in the town of Carlton in said county, and of constructing a road to said bridge," which was committed to the committee of the whole.

(See Senate Bill No. 76.)

Mr. Clark, from the committee on claims, reported adverse to the passage of the bill from the Assembly entitled, "An act to pay Josua B. Van Deusen and Francis Bates certain sums of money for fines, costs and expenses paid by them in consequence of taking Barney Hiers, an escaped convict," which was committed to the committee of the whole.

(See Senate Bill No. 7.)

Mr. Clark, from the committee on claims, reported adverse on the petition of the heirs of Thomas Mott, a revolutionary soldier.

Thereupon,

*Resolved*, That the prayer of the petitioners be denied.

Mr. Bokee, from the committee on cities and villages, to which was referred the petition for that purpose, reported a bill entitled, "An act to incorporate the Syracuse City Waterworks Company," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 77.)

Mr. Williams, from the committee on claims, reported adverse on the petition of George H. Buck for relief.

Thereupon,

*Resolved*, That the prayer of the petitioner be denied.

Mr. Williams, from the committee on claims, reported adverse on the petition of Ezra Wood for relief.

Thereupon,

*Resolved*, That the prayer of the petitioner be denied.

Mr. Floyd gave notice that he would, at an early day, introduce a bill to abolish the protesting of promissory notes, and inland bills of exchange.



On motion of Mr. Fine,

The bill to lessen the severity of criminal punishments was made a special order for Monday the 5th of February.

A bill was received from the Assembly for concurrence entitled, "An act requiring chattel mortgages to be registered," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Whallon gave notice that he would, at some future day, ask leave to introduce a bill to alter and repair a road from North Hudson to Mill Brook in the town of Moriah in the county of Essex.

Mr. Fox gave notice that he would, at some future day, ask leave to bring in a bill for the erection of a new town, to be called Taylor, to be taken from the towns of Schodack and Nassau in the county of Rensselaer.

In pursuance of previous notice,

Mr. Fine asked for and obtained leave to introduce a bill entitled, "An act to amend the act for the more effectual protection of the property of married women," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice,

Mr. Coffin asked for and obtained leave to introduce a bill entitled, "An act in relation to the prices for wharfage hereafter to be charged for vessels landing at the pier on the east side of the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The bill from the Assembly entitled, "An act to authorise the trustees of the village of Williamsburgh to raise money by loan to pay certain debts," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. W. Hall
Mr. Betts	Mr. Fine	Mr. Hawley
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Burch	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Williams
Mr. Colt		

19

#### FOR THE NEGATIVE.

Mr. Smith	Mr. Tamblin
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2

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorise the Young Men's Association of the city of Buffalo to borrow money for the erection of a new building," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. Lawrence
Mr. Bokee	Mr. Cornwell	Mr. Little
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Williams

18

## FOR THE NEGATIVE.

Mr. Floyd	Mr. Smith
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2

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act relating to highways in the towns of East Chester and White Plains," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fox	Mr. Lawrence
Mr. Bokee	Mr. Frost	Mr. Little
Mr. Bond	Mr. Fuller	Mr. Smith
Mr. Bush	Mr. W. Hall	Mr. Tamblin
Mr. Coffin	Mr. Hawley	Mr. Whallon
Mr. Colt	Mr. Johnson	Mr. Williams
Mr. Fine		

19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorise the clerk of the county of Erie to appoint a special deputy," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Bokee	Mr. Cook	Mr. Lawrence
Mr. Bond	Mr. Fine	Mr. Little
Mr. Burch	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Smith
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Williams

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act for the relief of certain purchasers of land from the Trust Fire Insurance Company of the city of New-York."

*Ordered*, That said bill do have its third reading.

Said bill was then read the third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. W. Hall
Mr. Betts	Mr. Colt	Mr. Johnson
Mr. Bokee	Mr. Cook	Mr. Lawrence
Mr. Bond	Mr. Fine	Mr. Little
Mr. Brownson	Mr. Floyd	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Whallon
Mr. Bush	Mr. Frost	Mr. Williams
Mr. Clark	Mr. Fuller	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to provide for filling vacancies in office," and after some time spent thereon, Mr. Fuller, from said committee, reported in favor of the passage of the same without amendment.

Mr. Hall moved to lay the question on agreeing with the report of the committee of the whole on the table.

The President put the question upon agreeing to the motion, and it was decided in the negative.

Mr. Floyd moved to amend the report of the committee of the whole by adding, "and all persons to fill vacancies in the office of county clerk, sheriff, coroners, district attorneys, superintendents of the poor and county treasurer, shall be appointed by the boards of supervisors of the several counties in which such vacancies may occur."

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Smith	
Mr. Betts	Mr. S. H. P. Hall	Mr. Tamblin	
Mr. Fine	Mr. Hawley	Mr. Whallon	9

FOR THE NEGATIVE.

Mr. Brownson	Mr. Colt	Mr. Geddes	
Mr. Burch	Mr. Cook	Mr. W. Hall	
Mr. Bush	Mr. Cornwell	Mr. Lawrence	
Mr. Clark	Mr. Fox	Mr. Little	
Mr. Coffin	Mr. Frost	Mr. Martin	
Mr. Cole	Mr. Fuller	Mr. Williams	18

And then the report of the committee of the whole was agreed to, and the bill ordered to a third reading.

A message was received from the Assembly informing the Senate that they had passed the following bill with the amendments therewith delivered:

"An act to amend the act entitled, 'An act to incorporate the American Baptist Home Missionary Society,' passed April 12, 1843."

On motion of Mr. Bokee,

The bill and amendments were referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to regulate the taking of oysters, clams and other shell fish in the bays and harbors in the town of North Hempstead, Queens county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act authorising the Comptroller to receive the returns of certain unpaid taxes on non-resident lands in the town of Bleecker for the year 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A message was received from the Assembly, informing that they had passed the following bill without amendment:

"An act to release the interest of the State in certain real estate of which Lewis Ciprien Mango, an alien, died possessed, to Margaret Ann Mango, his widow."

Ordered, That said bill be transmitted to the Governor.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to exempt from execution the homestead

of an householder having a family," and after some time spent thereon, Mr. Martin, from said committee, reported progress, and asked for and obtained leave to sit again.

The President laid before the Senate the following communication from the Secretary of State, in answer to a resolution of the Senate in relation to the contracts for the State printing, which was laid on the table and ordered printed :

SECRETARY'S OFFICE, }  
Albany, Jan. 24, 1849. }

To the PRESIDENT of the SENATE :

SIR—In compliance with the resolution of the Senate, passed January 22, 1849, I transmit herewith copies of the contracts with the present contractors for the State printing.

Very respectfully,

Your obedient serv't,

CHRISTOPHER MORGAN,  
*Secretary of State.*

And then the Senate adjourned till 11 o'clock to-morrow morning.

THURSDAY, 11 O'CLOCK A. M., JANUARY 25, 1849.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Campbell.

The Journal of yesterday was read and approved.

Mr. Burch presented the petition of sundry citizens of Canajoharie for the establishment of a free school, which was referred to the committee on literature.

Mr. Cook presented the remonstrance of citizens of Washington county against the repeal of the act concerning the landing of emigrants at ports north of Albany, which was referred to the committee on commerce and navigation.

Mr. Geddes presented the remonstrance of residents and tax payers of the town of Day, Saratoga county, against the repeal of an act authorising the construction of a bridge across the Sacandaga river, which was referred to the committee on roads and bridges.

Mr. Geddes presented the petition of citizens of the county of Onondaga praying for a law directing the sale of lands for taxes in the counties where situated, which was referred to the committee on finance.

Mr. Coffin presented the resolutions of the board of supervisors of the county of Dutchess relative to the compensation of the justices of sessions, &c., which was referred to the committee on the judiciary.

Mr. Treadwell presented the petition of 114 citizens of Rensselaerville, Albany county, praying for a law to stay the collection of rents until the question of a title between the State and Van Rensselaer is settled.

Mr. Clark moved its reference to the judiciary committee.

Mr. Treadwell moved its reference to a select committee.

The President put the question upon agreeing to the motion of Mr. Clark, and it was decided in the affirmative.

Mr. Treadwell also presented the petition of 35 citizens of Albany county for the same purpose, which was referred to the same committee.

Mr. Little from the committee on charitable and religious societies, to which was referred the amendments of the Assembly to the bill entitled, "An act to amend the act entitled, 'An act to incorporate the American Baptist Home Missionary Society,' passed April 12, 1843," reported in favor of concurring in all except the first of said amendments.

The President put the question on non-concurring with the Assembly in the first of said amendments, and it was decided in the affirmative.

The question then coming on agreeing to the other amendments of the Assembly,

The President put the question upon agreeing to the same, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts,	Mr. Cornwell	Mr. Lawrence
Mr. Bokee	Mr. Fine	Mr. Little
Mr. Brownson	Mr. Floyd	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Frost	Mr. Tamblin
Mr. Colt	Mr. Geddes	Mr. Whallon
Mr. Cook	Mr. S. H. P. Hall	Mr. Williams
		21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported in favor of the passage, with amendments, of the bill entitled, "An act to vest in the boards of supervisors certain legislative powers," which was committed to the committee of the whole.

Mr. Floyd, from the committee on claims, reported adverse to the petition of Oliver Barker for damages arising from raising the water on the Geddes level.

Thereupon,

*Resolved*, That the prayer of the petitioner be denied.

Mr. Lawrence, from the committee on finance, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorize the Comptroller to receive the returns of certain unpaid taxes on non-resident lands in the town of Bleecker for the year 1847," which was committed to the committee of the whole.

The President laid before the Senate a communication from the Comptroller in relation to the removal of obstructions in the Albany basin, which was referred to the committee on finance.

Mr. Colt gave notice that he would, at some future day, ask leave to introduce a bill to amend the act providing for the incorporation of the Canandaigua and Corning Railroad Company, passed May 14, 1845.

Mr. Fox gave notice that he would, at an early day, ask leave to introduce a bill in relation to the recorder of the city of Troy.

Mr. Hawley gave notice that he would ask leave to introduce a bill making an appropriation for the payment of moneys awarded by the Canal Board to Henry B. Hewitt and William Beach.

Mr. Tamblin gave notice that, at an early day, he would ask leave to introduce a bill to regulate the compensation of executors and administrators.

On motion of Mr. Burch,

*Resolved*, That a respectful message be transmitted to the Assembly, requesting that the petition and papers relating to the claim of John B. Walrath be taken from the files thereof and referred to the committee on claims in the Senate.

On motion of Mr. Hawley,

*Resolved*, That the bill to tax certain debts due to non-residents of the United States, be taken from the table and referred to the select committee on that part of the Governor's message which relates to the assessment and collection of taxes, and that the petitions on that subject be taken from the files of the Senate and referred to the same committee.

In pursuance of previous notice,

Mr. Fox asked for and obtained leave to introduce a bill entitled, "An act to erect the town of Taylor from part of the town of Schodack and to annex a part of the town of Nassau to the town of Schodack," which was read the first time, and, by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

In pursuance of previous notice,

Mr. Floyd asked for and obtained leave to introduce a bill entitled, "An act to abolish the protesting of promissory notes and inland bills of exchange," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Clark,

*Resolved*, That Senator Colt be furnished with a copy of the report of the debates and proceedings of the Convention of 1846.

On motion of Mr. Burch,

*Resolved*, That the bill, petition and papers relating to the claim of John E. Van Eps for damages by reason of construction of Erie canal, be referred back to the committee on claims.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to provide for filling vacancies in office."

The Senate then proceeded to consider the question on agreeing to the report of the committee of the whole on the bill from the Assembly entitled, "An act to confirm the official acts of John H. Cameron, a justice of the peace for the town of Athol."

The President put the question upon agreeing to the said report, and it was decided in the affirmative.

*Ordered*, That said bill do have its third reading.

The bill entitled, "An act to provide for filling vacancies in office," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Bond	Mr. Colt	Mr. Lawrence
Mr. Brownson	Mr. Cook	Mr. Little
Mr. Burch	Mr. Cornwell	Mr. Martin
Mr. Bush	Mr. Fine	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Fuller	Mr. Williams
		18 .

#### FOR THE NEGATIVE.

Mr. Floyd	Mr. Smith	Mr. Tamblin
Mr. S. H. P. Hall		
		4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to confirm the official acts of John H. Cameron, a justice of the peace of the town of Athol," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Lawrence
Mr. Bokee	Mr. Cook	Mr. Little
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Brownson	Mr. Fox	Mr. Tamblin
Mr. Burch	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. S. H. P. Hall	Mr. Whallon
Mr. Coffin		



## FOR THE NEGATIVE.

Mr. Smith

Mr. Williams

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
January 24, 1849. }

To the SENATE,—

I have this day approved and signed a bill entitled, "An act to release the interest of the State in certain real estate of which Lewis Ciprien Mango, an alien, died possessed, to Margaret Ann Mango, his widow."

HAMILTON FISH.

A message was received from the Assembly, informing that they had passed the following bill without amendment :

"An act to authorise the abatement of a nuisance on lands owned by the people of the State of New-York, and other lands in the city of Syracuse."

*Ordered*, That said bill be transmitted to the Governor.

On motion of Mr. Bush, and by unanimous consent,

*Ordered*, That the vote of the Senate by which the act directing the printing and distribution of the laws relating to the poor, and to amend chapter 214 of the laws of 1842, be reconsidered.

On motion of Mr. Floyd,

*Ordered*, That said bill be referred to the committee of the whole.

A bill was received from the Assembly for concurrence entitled, "An act to confirm the official acts of Henry G. Button, a justice of the peace of the town of Westville," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act to authorise the trustees of the village of Williamsburgh to raise money by loan to pay certain debts."

*Ordered*, That said bill be returned to the Assembly.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to exempt from execution the homestead of a householder having a family," and after some time spent thereon, Mr. Martin, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act for the relief of the estate of Rutherford Stuyvesant," and after some time spent

thereon, Mr. Fine, from said committee, reported in favor of the passage of the same with amendments, which was ordered to a third reading.

The Assembly also sent for concurrence the following resolution, which was laid on the table, to wit :

*Resolved*, (if the Senate concur) That a survey be made, and be reported to the present Legislature the most feasible and practicable way of draining the Cayuga, Montezuma, and Cruso marshes, and what effect the lowering of the Seneca River will have upon the state canals, and whether the embankment made by the Auburn and Rochester Railroad Company across the Cayuga outlet, has a tendency to set back the waters of the Cayuga lake, at the head.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
January 25, 1849. }

To the SENATE,—

I have this day approved and signed a bill entitled, "An act to authorise the abatement of a nuisance on lands owned by the people of the State of New-York and other lands in the city of Syracuse."

HAMILTON FISH.

And then the Senate adjourned till 11 o'clock to-morrow morning.

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FRIDAY, 11 O'CLOCK A. M., JANUARY 26.

The Senate met pursuant to adjournment.

The Journal of yesterday was read and approved.

Mr. Burch presented the petition of citizens of Canajoharie for the establishment of free schools, which was committed to the committee of the whole.

Mr. Fox presented the petition of the board of supervisors of Rensselaer county for a repeal of the law in relation to the jurisdiction of the mayor's court of the city of Troy, which was referred to the committee on the judiciary.

Mr. Clark presented the petition of Richard Willson and others for soldiers' bounty lands, which was referred to the committee on claims.

Mr. Geddes presented the petition of citizens of Onondaga for an appropriation to construct a highway through the Indian reservation in said county, which was referred to the committee on Indian affairs.

A bill was received from the Assembly for concurrence entitled, "An act making appropriations in part for the expenses of government for the fiscal year commencing October 1, 1848, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

In pursuance of previous notice,

Mr. Smith, on behalf of Mr. Whallon, introduced a bill entitled, "An act for repairing and improving the road leading from the State road in North Hudson to Mill Brook in the town of Moriah," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice,

Mr. Fox asked for and obtained leave to introduce a bill entitled, "An act in relation to the recorder of the city of Troy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act requiring chattel mortgages to be registered," which was committed to the committee of the whole.

In pursuance of previous notice,

Mr. Colt asked for and obtained leave to introduce a bill entitled, "An act to amend the act providing for the incorporation of the Canandaigua and Corning Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

On motion of Mr. Smith,

*Resolved*, That the Comptroller report the amount of State stock issued, the amount held by citizens of this country, and the amount held by citizens of foreign states and countries.

On motion of Mr. Brownson,

*Resolved*, That the Canal Board be requested to report to the Senate on the subject of Black Rock and Buffalo harbors in pursuance of the resolution passed in this body on the twenty-third day of March last.

On motion of Mr. Geddes,

The vote of the Senate on agreeing to the adverse report of the committee on claims on the petition of Oliver Barker was reconsidered.

*Ordered*, That the said report be laid on the table.

Mr. Frost offered for the consideration of the Senate the following resolution:

*Resolved*, That the delinquent savings banks and savings institutions within this State, are hereby directed to make and report to the Senate, within thirty days, the amount of their deposits and the amount of real estate held by them respectively, and how such deposits are invested, and what kind of securities they hold for the same, up to the first day of January 1849.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative.

On motion of Mr. Williams,

*Ordered*, That said resolution lie upon the table.

Mr. Hawley gave notice that he would ask leave to introduce a bill making an appropriation to complete the Normal School building.

In pursuance of previous notice,

Mr. Hawley asked for and obtained leave to introduce a bill entitled, "An act to complete the Normal School building," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

In pursuance of previous notice,

Mr. Hawley asked for and obtained leave to introduce a bill entitled, "An act making appropriation for the payment of the claim of Henry B. Hewett and William Beach," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

Mr. Lawrence, from the committee on claims, reported adverse on the petition of R. L. Dorr and other citizens of Livingston county praying for a law prohibiting the future deposite of the State revenue in banks, and for the safe keeping of the funds of the State in some place other than banks.

Thereupon,

*Resolved*, That the prayer of the petitioners be denied.

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise and direct the surrogate of the county of Richmond to admit to probate and record the last will and testament of Joseph P. Brger, deceased," which was committed to the committee of the whole.

The bill from the Assembly entitled, "An act for the relief of Rutherford Stuyvesant," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Brownson  
Mr. Burch  
Mr. Clark  
Mr. Coffin

Mr. Colt  
Mr. Cook  
Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Frost

Mr. Johnson  
Mr. Lawrence  
Mr. Little  
Mr. Martin  
Mr. Smith  
Mr. Treadwell

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to exempt the homestead of a householder having a family," and after some time spent thereon, Mr. Martin, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. S. H. P. Hall,

The amendments to said bill, offered by Mr. Hawley, were ordered printed.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act establishing free schools throughout the State," and after some time spent thereon, Mr. Lawrence, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Cook,

The Senate then proceeded to the consideration of the following resolution, heretofore offered by Mr. Wilkin, to wit:

*Resolved*, That the second order of the rules and orders of the Senate be amended as follows:

10. Unfinished business of the preceding day.

11. Special orders of the day; and if in any case the unfinished business of the preceding day shall have taken the place of special orders, those orders shall be taken up and acted on in their order of time.

Add the following to the order:

12. Unfinished business generally.

The President put the question upon agreeing to the resolution, and it was decided in the negative.

On motion of Mr. Cook,

*Ordered*, That the vote of the Senate by which the said resolution was rejected be reconsidered, and that the question on agreeing with the said resolution be laid on the table.

A bill was received from the Assembly for concurrence entitled, "An act to repeal an act relating to road district No. 2 in Persia, Cattaraugus county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the appraisal and payment of canal damages sustained by William Sherman and Urial Sherman," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to fix the time and place for holding annual town meetings in the town of Carrolton in the county of Cattaraugus," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the further enlargement of the opening in the Albany pier, between the State street and Columbia street bridges,"

which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A message was received from the Assembly, informing that they had passed the following bill without amendment:

"An act for the settlement of the claim of Henry D. Boughton against the Bank of Lyons."

*Ordered*, That said bill be transmitted to the Governor.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise the purchase of the toll bridge at Jessup's Little Falls and to make the same a public highway," and after some time spent thereon, Mr. Cornwell, from said committee, reported in favor of the passage of the same with amendments, which report was agreed to, and said bill ordered to a third reading.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill for the relief of the trustees of the estate of Rutherford Stuyvesant.

And then the Senate adjourned till 11 o'clock to-morrow morning.

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## SATURDAY, 11 O'CLOCK A. M., JANUARY 27, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Campbell.

The Journal of yesterday was read and approved.

Mr. Frost presented the petition of citizens of Glens Falls against the death penalty, which was committed to the committee of the whole.

Mr. Fuller presented resolutions of supervisors of Monroe county in favor of abolishing the mayor's court of the city of Rochester, which was referred to the committee on the judiciary.

Mr. Tamblin presented the petition of citizens of Jefferson county that a portion of Black river be made a public highway, which was referred to the committee on roads.

Mr. Floyd presented the petition of stockholders and others, depositors &c. of the Canal Bank of Albany, for an investigation into the affairs of said bank, which was referred to the select committee on that subject.

Mr. Frost presented the memorial of H. G. Tisdale and 79 other citizens of Whitehall against the repeal of the act concerning the landing of emigrants at ports north of the city of Albany, which was referred to the committee on commerce and navigation.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported a bill entitled, "An act to amend an act entitled, 'An act to extend Third-st. east in the village of Jamestown to Second-st.,' passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 89.)*

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act in relation to the recorder of the city of Troy," which was committed to the committee of the whole.

*(See Senate Bill No. 83.)*

Mr. Fine, from the committee on the judiciary, reported adverse to the passage of the bill entitled, "An act to abolish the protesting of promissory notes and inland bills of exchange," which was committed to the committee of the whole.

*(See Senate Bill No. 84.)*

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to amend the act for the more effectual protection of property of married women," which was committed to the committee of the whole.

*(See Senate Bill No. 85.)*

Mr. Fine, from the committee on the judiciary, to which was referred the petition for that purpose, reported a bill entitled, "An act to abolish the mayor's court of the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 86.)*

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to repeal an act relating to road district No. 2 in Persia, Cattaraugus county," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to fix the time and place for holding the annual town meetings in the town of Carrolton in the county of Cattaraugus," which was committed to the committee of the whole.

The bill from the Assembly entitled, "An act to authorise the

purchase of the toll bridge at Jessup's Little Falls and to make the same a public highway," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cook	Mr. Lawrence
Mr. Bond	Mr. Cornwell	Mr. Little
Mr. Brownson	Mr. Fine	Mr. Martin
Mr. Burch	Mr. Floyd	Mr. Smith
Mr. Clark	Mr. Frost	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill entitled, "An act to aid in repairing and improving the road leading from the State road in North Hudson to Mill Brook in the town of Moriah," which was committed to the committee of the whole.

(See Senate Bill No. 90.)

On motion of Mr. Williams,

*Ordered*, That the committee on claims be discharged from the further consideration of the petition of C. A. Jones and Henry T. Rogers for compensation for losses in building the Western House of Refuge, and that the same be referred to the standing committee on State prisons.

On motion of Mr. Williams,

*Ordered*, That the committee on claims be discharged from the further consideration of the act appropriating money for the payment of the claim of Henry B. Hewitt and William Beach, and that it be referred to the committee on finance.

Mr. Fine, from the committee on the judiciary, to which was referred the resolutions of the board of supervisors of Dutchess asking that a law be passed to allow three dollars for each day to the justices of sessions for their attendance at the court, of sessions and oyer and terminer, reported adverse thereon.

Thereupon,

*Resolved*, That the prayer of the petitioners be denied.

Mr. Fine, from the committee on the judiciary, to which was referred sundry resolutions of the supervisors of Dutchess for the repeal of the law allowing incorporated companies to commute or be



exempt from taxation in certain cases, made an adverse report thereon.

Thereupon,

*Resolved*, That the prayer of the petitioners be denied.

A message was received from the Assembly requesting a committee of conference on the amendments to the bill entitled, "An act to amend the act entitled, 'An act to incorporate the American Baptist Home Mission Society,' passed April 12, 1843," and that in case the Senate consent thereto, that Messrs. Fiske, Harmon, Sweet, Pruyn and Cornell be of such committee on the part of the House.

On motion of Mr. Fox,

*Resolved*, That the Senate do also appoint a committee of conference on said bill.

*Ordered*, That Messrs. Little, Fine and Bokee, be such committee.

In pursuance of previous notice,

Mr. Tamblin asked for and obtained leave to introduce a bill entitled, "An act relating to the compensation of executors and administrators," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Fox, from the committee on the erection and division of towns and counties, to which was referred a petition for that purpose, reported a bill entitled, "An act to erect the town of Taylor from part of the town of Schodack and to annex a part of the town of Nassau to the town of Schodack," which was committed to the committee of the whole.

(See Senate Bill No. 91.)

On motion of Mr. Williams,

*Resolved*, That the committee on banks and insurance companies be requested to report a bill providing for the sale of stocks in banks and insurance companies belonging to the State.

On motion of Mr. Frost,

*Resolved*, That the Attorney General be requested to report to the Senate his opinion as to the constitutionality of the laws passed in 1847 and 1848 by the Legislature of this State, authorising the construction of the Erie and Ohio basins in the city of Buffalo.

Mr. Johnson gave notice that, at an early day, he would introduce a bill in reference to the firms of mercantile co-partnership.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
January 26, 1849. }

To the SENATE,—

I have this day approved and signed a bill entitled, "An act for the settlement of the claims of Henry D. Boughton against the Bank of Lyons."

HAMILTON FISH.

Mr. Cornwell gave notice that he would ask leave, at an early day, to bring in a bill declaring the public utility of a railroad, and authorising the taking of lands for the track thereof, on a direct line between Buffalo and Batavia.

On motion of Mr. Smith,

*Resolved*, That the Canal Board report to the Senate, at their earliest convenience, the existing condition as to contracts, and otherwise of the proposed works at Buffalo called the Erie and the Ohio basins, authorised by the Legislature in 1847 and 1848, together with their opinion of the utility of said works, and their capacity, if completed, to accommodate the increasing shipping of the lakes, and whether any alterations in the plans of the same are expedient; also whether the State are possessed of the title to the land on which said basins are to be constructed, and whether said land has been paid for to the owners thereof.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to abolish capital punishment," and after some time spent thereon, Mr. S. H. P. Hall, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to establish free schools throughout the State," and after some time spent thereon, Mr. Fuller, from said committee, reported progress, and asked for and obtained leave to sit again.

By unanimous consent,

Mr. Cook offered for the consideration of the Senate the following resolution:

*Resolved*, That the Comptroller be requested to report to the Senate, at his earliest convenience, the number of shares of stock held by the State in the banks and insurance companies therein, with their value as expressed in the scrip held for the same.

Mr. Floyd moved to amend said resolution, by adding the words "and the amount lost by the State by the failure of banks and insurance companies for the last twenty years."

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Floyd	Mr. Smith
Mr. Bokee	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Cornwell	Mr. Hawley	Mr. Williams
Mr. Fine		

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#### FOR THE NEGATIVE.

Mr. Bond	Mr. Cook	Mr. Johnson
Mr. Burch	Mr. Fox	Mr. Little
Mr. Coffin	Mr. Frost	Mr. Martin
Mr. Cole	Mr. Fuller	Mr. Treadwell
Mr. Colt		

The President then put the question upon agreeing to the resolution as offered by Mr. Cook, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to allow contracts of loan and forbearance on personal security for short periods," and after some time spent thereon, Mr. Cook, from said committee, reported progress, and asked for and obtained leave to sit again.

And then the Senate adjourned till Monday morning at 11 o'clock.

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MONDAY, 11, O'CLOCK A. M. JANUARY 29, 1849.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Garnett.

The Journal of Saturday was read and approved.

Mr. Martin presented the remonstrance of sundry inhabitants of the county of Washington against the repeal of act concerning the landing of emigrants at ports north of Albany, which was referred to the committee on commerce and navigation.

Mr. Brownson presented the petition of citizens of Sheldon, Wyoming county, against the division of said town, which was referred to the committee on the erection and division of towns and counties.

Mr. Williams, from the committee on claims, reported adverse on the petition of Isaac Ledyard and John P. Matthews for a claim against the State.

Thereupon,

*Resolved*, That the prayer of the petitioners be denied.

Mr. Williams, from the select committee appointed to investigate into the affairs of the expenses connected with the basin at the eastern termination of Erie and Champlain canals, reported a bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals in the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 92.)

Mr. Bokee, from the select committee on the memorial of the Cypress Hill Cemetery, reported a bill entitled, "An act in relation to the Cypress Hill Cemetery," which was read the first time,

and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 93.)

Mr. S. H. P. Hall presented the annual report of the Inspectors of State Prisons, accompanied by the following communication :

Hon. G. W. PATTERSON,  
*Lt. Gov. and Pres't of the Senate.*

SIR—The annual report of the Inspectors of State Prisons of the State of New-York is herewith transmitted for presentation to the honorable the Senate.

The difficulty of collecting together all the necessary documents from the several prisons, has delayed its transmission somewhat beyond the proper period.

Very respectfully,

DAVID D. SPENCER,  
ISAAC N. COMSTOCK,  
JOHN B. GEDNEY,  
*Inspectors of State Prisons.*

(See Senate Doc. No. 30.)

Mr. S. H. P. Hall moved the printing of five times the usual number of said report for the use of the Legislature, and 1000 for the use of the Inspectors, which was referred to the printing committee.

Mr. Frost presented the sixteenth annual report of the Greenwich Savings Bank of New-York city, which was referred to the committee on banks.

On motion of Mr. Frost,

The Senate proceeded to the consideration of the following resolution :

*Resolved*, That the delinquent savings banks and savings institutions within this State, are hereby directed to make and report to the Senate, within thirty days, the amount of their deposits, and the amount of real estate held by them respectively, and how such deposits are invested, and what kind of securities they hold for the same, up to the first day of January, 1849.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the election of justices of the municipal court of the city of Brooklyn, and for the filling of vacancies therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice,

Mr. Wilkin asked for and obtained leave to introduce a bill entitled, "An act to amend an act for the incorporation of benevolent, charitable and scientific and missionary societies, passed April 12, 1848," which was read the first time; and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

On motion of Mr. Williams,

The Senate then proceeded to the consideration of the resolution heretofore received from the Assembly, in the words following, to wit:

*Resolved*, (if the Senate concur) That a survey be made, and be reported to the present Legislature the most feasible and practicable way of draining the Cayuga, Montezuma, and Cruso marshes, and what effect the lowering of the Seneca River will have upon the state canals, and whether the embankment made by the Auburn and Rochester Railroad Company across the Cayuga outlet, has a tendency to set back the waters of the Cayuga lake, at the head.

On motion of Mr. Cornwell,

The resolution was again laid on the table.

On motion of Mr. Clark,

The committee on claims were discharged from the further consideration of the petition of Cyrus R. Durham and others for the payment of an award, and it was referred to the committee on canals.

On motion of Mr. Clark,

The bill from the Assembly entitled, "An act to pay Joshua B. Van Dusen and Francis Bates certain sums of money for fines, costs and expenses paid by them in consequence of taking Barney Hiers, an escaped convict," and the adverse report of the committee on claims thereon, was recommitted to the committee on claims.

Mr. Brownson, from the committee on public printing, reported in favor of printing five times the usual number of the annual report of the Prison Inspectors for the use of the Legislature, and 1,000 for the use of the Inspectors.

The President put the question upon agreeing to the said report, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to abolish capital punishment," and after some time spent thereon, Mr. S. H. P. Hall, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to establish free schools throughout the State," and after some time spent thereon, Mr. Fuller, from said committee, reported progress, and asked for and obtained leave to sit again.

Mr. S. H. P. Hall presented a communication from the Inspectors of State Prisons in relation to the allowances made for payments to William Radford, which was ordered laid on the table and printed.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to levy a tax on school district No. 14 in the towns of Milan and Pine Plains, to reimburse certain money to John Germond, David I. Hicks and Nathan Smith," and after some time spent thereon, Mr. Floyd, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to extend the time for the county superintendents of the poor, elected in November, 1848, to execute and file their official bond and to take the oath of office," and Mr. Bond, from said committee, reported progress.

On motion of Mr. Cole,

*Ordered*, That the committee of the whole be discharged from the further consideration of said bill, and that it be referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to levy a tax on school district No. 14 in Milan and Pine Plains, to reimburse certain money to John Germond, David I. Hicks and Nathan Smith," and after some time spent thereon, Mr. Floyd, from said committee, reported in favor of the passage of the same without amendment.

On motion of Mr. Cornwell,

*Ordered*, That the question on agreeing to said report be laid on the table.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise the board of supervisors to convey certain real estate," and after some time spent thereon, Mr. Brownson, from said committee, reported in favor of the passage of the same without amendment, which was ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the relief of Zebulon Moore," and after some time spent thereon, Mr. Burch, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to incorporate the Auburn Savings Institution," and after some time spent thereon, Mr. Cole, from said committee, reported in favor of the passage of the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to provide for the election of justices of the municipal court of the city of Brooklyn and for the filling of vacancies therein," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to confirm the official acts of Henry G. Button, justice of the peace

of the town of Westville," which was committed to the committee of the whole.

And then the Senate adjourned till 11 o'clock to-morrow morning.

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**TUESDAY, 11 O'CLOCK A. M., JANUARY 30, 1849.**

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Hall.

The Journal of yesterday was read and approved.

Mr. Lawrence presented the memorial of Grinnell, Minturn & Co., Howland and Aspinwall and others, against any increase of the tax on foreign insurance companies, which was committed to the committee of the whole.

Mr. S. H. P. Hall presented the petition of the supervisor and clerk of Cobleskill for a law fixing the place of holding the next town meeting, which was referred to the committee on the internal affairs of towns and counties.

Mr. S. H. P. Hall presented the petition of E. C. Kattell and others for a law to legalise the acts of B. T. Miller, late acting sheriff of Broome county, which was referred to the committee on the judiciary.

Mr. Martin presented the remonstrance of citizens of Perrysburgh against the repeal of an act in relation to road district No. 2 in Persia, Cattaraugus county, which was committed to the committee of the whole.

Mr. Bond presented the petition of a committee in behalf of the trustees of Geneva college for the payment of an annuity due them for the years 1846-7, which was cut off by the adoption of the new Constitution, which was referred to the committee on the internal affairs of towns and counties.

Mr. Burch presented the remonstrance of 13 citizens of Jefferson county against the passage of a law declaring the Black river in said county a common highway for floating logs, which was referred to the committee on the internal affairs of towns and counties.

Mr. Fuller, from the committee on canals, to which was referred a petition for that purpose, reported a bill entitled, "An act to pay Enos Steele for constructing a ditch from Skajaquady creek to Cornelius creek and bridges over the same, and straightening and deepening Cornelius creek to the town of Black rock," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act to authorise the purchase of the toll bridge at Jessup's Little Falls and to make the same a public highway."

*Ordered*, That said bill be returned to the Assembly.

The President laid before the Senate the fifteenth annual report of the Bowery Savings Bank, which was referred to the committee on banks.

Mr. Cook, from the committee on banks and insurance companies, made a written report on the resolution of the Senate in relation to the use of United States stock as a basis for circulating notes, and asked for and obtained leave to introduce a bill entitled, "An act to amend the act to authorise the business of banking, passed April 18, 1848, and the amendments thereto," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Sen. Bill No. 97, and Sen. Doc. No. 32.)*

Mr. Williams moved the printing of five times the usual number of said report, which was referred to the committee on public printing.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill entitled, "An act to complete the Normal School building," which was committed to the committee of the whole.

*(See Senate Bill No. 98.)*

Mr. Williams, from the committee on charitable and religious societies, reported in favor of the passage of the bill entitled, "An act to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies, passed April 12, 1848," which was committed to the committee of the whole.

On motion of Mr. Cornwell,

The Senate then proceeded to the consideration of the question on agreeing with the report of the committee of the whole on the bill entitled, "An act to levy a tax upon school district No. 14 in the town of Milan and Pine Plains to reimburse certain moneys to John Germond, David I. Hicks and Nathan Smith."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bill do have its third reading.

The President laid before the Senate the following communication from the commissioners on practice and pleadings:



To the PRESIDENT of the SENATE,—

SIR—The commissioners on practice and pleadings have the honor herewith to transmit their second, third and fourth reports.

Very respectfully,

A. LOOMIS,  
DAVID GRAHAM,  
DAVID DUDLEY FIELD.

Albany, Jan. 20, 1849.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act authorising the payment of a sum of money to John Camerton for giving information of an escheat," which was committed to the committee of the whole.

(See Senate Bill No. 101.)

Mr. Wilkin, from the committee on the judiciary, reported adverse to the passage of the bill entitled, "An act regulating the compensation of executors and administrators," which was committed to the committee of the whole.

(See Senate Bill No. 100.)

Mr. Clark, from the committee on claims, reported in favor of the passage of the bill from the Assembly entitled, "An act to pay Joshua B. Van Deusen and Francis Bates certain sums of money for fines, costs and expenses paid by them in consequence of taking Barney Hiers, an escaped convict," which was committed to the committee of the whole.

In pursuance of previous notice,

Mr. Williams asked for and obtained leave to introduce a bill entitled, "An act to amend an act to provide for the incorporation and regulation of telegraph companies, passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Wilkin,

The Senate then proceeded to the consideration of the following resolution, heretofore offered by him, to wit:

*Resolved*, That the second order of the rules and orders of the Senate be amended as follows:

10. Unfinished business of the preceding day.

11. Special orders of the day; and if in any case the unfinished business of the preceding day shall have taken the place of special orders, those orders shall be taken up and acted on in their order of time.

Add the following to the order:

12. Unfinished business generally.

The President put the question upon agreeing to the resolution, and it was decided in the affirmative.

The bill from the Assembly entitled, "An act to authorise the chairman of the board of supervisors of the county of Delaware to convey certain real estate," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Brownson	Mr. Cornwell	Mr. Hawley
Mr. Bush	Mr. Fine	Mr. Johnson
Mr. Clark	Mr. Floyd	Mr. Martin
Mr. Coffin	Mr. Fox	Mr. Tamblin
Mr. Cole	Mr. Frost	Mr. Wilkin
Mr. Colt	Mr. Fuller	Mr. Williams
Mr. Cook	Mr. S. H. P. Hall	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Leave of absence was granted to Mr. Whallon for seven days, to Mr. Adams for seven days.

The bill from the Assembly entitled, "An act to levy a tax on school district No. 14 in the towns of Milan and Pine Plains, to reimburse certain moneys to John Germond, David I. Hicks and Nathan Smith," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Cook	Mr. S. H. P. Hall
Mr. Brownson	Mr. Cornwell	Mr. Hawley
Mr. Bush	Mr. Fine	Mr. Johnson
Mr. Clark	Mr. Floyd	Mr. Martin
Mr. Coffin	Mr. Fox	Mr. Tamblin
Mr. Cole	Mr. Frost	Mr. Williams
Mr. Colt	Mr. Fuller	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

On motion of Mr. Floyd,

*Resolved*, That the Comptroller be requested to communicate to the Senate the amount which has been lost to the State within twenty years last past by the failure or suspension of banks and insurance companies; distinguishing in his statement the companies by which, and the year in which such losses accrued; and also a statement, so far as can be made from the documents in his office, of

the number of banks which have failed during the same period, and what per centage of the debts due by such banks at the time of their failure have been paid.

On motion of Mr. Martin,

*Resolved*, That the committee of the whole be discharged from the further consideration of "An act to repeal an act relating to road district number two in Persia, Cattaraugus county," and that the same be recommitted to the committee on roads and bridges.

On motion of Mr. Williams,

The committee on claims were discharged from the further consideration of the petition of Cyrus P. Durham and others for the payment of an award, and it was referred back to the committee on canals.

The Senate then proceeded to the consideration of executive business.

When the executive session was closed,

Mr. Fuller offered for the consideration of the Senate the following resolution:

*Resolved*, That the petition of Cyrus P. Durham and others be referred to the Canal Board to report thereon, and that such Board be requested to report what proceedings have been had under and pursuant to chapter 168 of the session of 1840, entitled "An act for the relief of Cyrus P. Durham and others," before and by the Canal Appraisers and also the Canal Board.

The President put the question upon agreeing to said resolution, and it was decided in the negative.

Mr. S. H. P. Hall gave notice that he would, at some subsequent time, ask leave to introduce a bill relating to chattel mortgages in the county of Broome.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act conferring jurisdiction upon justices of the peace in the city of Rochester in actions upon the charter or bye-laws of said corporation," and after some time spent thereon, Mr. Fox, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the relief of Zebulon Moore," and after some time spent thereon, Mr. Cornwell, from said committee, reported in favor of the passage of the same with amendments.

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise the Comptroller to issue registered notes in lieu of unregistered ones in certain cases," and after some time spent thereon, Mr. Coffin, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to amend the charter of the Washington Monument Association of the city of New-York," and after some time spent thereon, Mr. S. H. P. Hall, from

said committee, reported in favor of the passage of the same with an amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the relief of Nathaniel Mather," and after some time spent thereon, Mr. Hawley, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the relief of George W. Murray," and after some time spent thereon, Mr. Martin, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend section 15, article 1, title 4, chapter 8, of the Revised Statutes," and after some time spent thereon, Mr. Johnson, from said committee, reported in favor of the passage of said bill.

Mr. Floyd moved to amend the report of the committee of the whole by inserting after the word "brought" in the first line of the fifteenth section, the words "in all courts in which natural persons may be sued," and also to strike out all after the word "brought" in the first line, to and including "New-York" in the third line.

The President put the question upon agreeing to said amendment, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Cook	Mr. Hawley	
Mr. Bond	Mr. Fine	Mr. Martin	
Mr. Burch	Mr. Floyd	Mr. Tamblin	
Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Colt	Mr. S. H. P. Hall	Mr. Williams	15

#### FOR THE NEGATIVE.

Mr. Brownson	Mr. Cornwell	Mr. Fuller	
Mr. Cole	Mr. Frost	Mr. Johnson	6

And then, on motion of Mr. Cook,

*Ordered*, That said bill be recommitted to the committee of the whole.

And then the Senate adjourned till 11 o'clock to-morrow morning.

WEDNESDAY, 11 O'CLOCK A. M., JANUARY 31, 1849.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Garnett.

The Journal of yesterday was read and approved.

Mr. Cook presented the remonstrance of Charles Rogers and other citizens of Washington county against the repeal of the law relative to the landing of emigrants at ports north of Albany, which was referred to the committee on commerce and navigation.

Mr. Treadwell presented the petition of forwarders and other citizens of Albany to increase the opening at the termination of the pier in the city of Albany, which was referred to the committee on commerce and navigation.

Mr. Treadwell presented the petition of 220 citizens of Albany praying for a law to stay proceedings in the collection of rents until the question of title is settled, which was referred to the committee on the judiciary.

Mr. Cook presented the petition of chiefs and warriors of the Oneidas for an appropriation for Indian schools, which was referred to the committee on Indian affairs.

Mr. Brownson, from the committee on public printing, reported in favor of printing five times the usual number of the report of the committee on banks and insurance companies in relation to admitting the deposit of United States Stocks as a basis of circulation.

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

By unanimous consent,

Mr. Bond presented the petition of the board of supervisors of Oswego county for the repeal of the law relating to a registry of births, marriages and deaths, passed April 12, 1847, which was referred to the committee on the judiciary.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to incorporate the Auburn Savings Institution."

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to extend the time for county superintendents of the poor elected in November, 1848, to execute and file their official bond and to take the oath of office," which was committed to the committee of the whole.

(See Senate Bill No. 104.)

Mr. Lawrence, from the committee on finance, reported in favor of the passage of the bill from the Assembly entitled, "An act ma-

king appropriations in part for the expenses of government for the fiscal year commencing October 1, 1848, and for other purposes," which was committed to the committee of the whole.

Mr. Lawrence, from the select committee of the Senate appointed at the last session, to which was referred the bill to allow the northern railroad to bridge Lake Champlain at Rouse's Point, made a report in writing, which was laid on the table.

(See Senate Doc. No. 24.)

A message was received from the Assembly informing the Senate that they had passed the following bill with the amendments therewith delivered:

"An act to continue in office the commissioners on practice and pleadings."

The question being on concurring in the amendments of the Assembly to said bill,

On motion of Mr. Cornwell,

*Ordered*, That the bill be returned to the Assembly, with a message enquiring whether the words "forty-nine" is not erroneously written in their message communicating their amendment to said bill, in place of the word "fifty."

Afterwards said bill was returned by the Assembly, with a message informing that they had amended their message as mentioned in the message of the Senate.

The question then being on concurring in said amendments,

The President put the question upon agreeing to the said amendments, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cook	Mr. Lawrence
Mr. Bond	Mr. Cornwell	Mr. Martin
Mr. Brownson	Mr. Fine	Mr. Tamblin
Mr. Burch	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	Mr. Williams
		21

#### FOR THE NEGATIVE.

Mr. Bush	Mr. Fuller	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments to said bill.

A communication from the Albany City Bank in relation to unclaimed dividends and deposits was received, and referred to the committee on banks and insurance companies.

Mr. Williams moved a reconsideration of the vote by which the following resolution was rejected :

*Resolved*, That the petition of Cyrus P. Dunham and others be referred to the Canal Board to report thereon, and that such Board be requested to report what proceedings have been had under and pursuant to chapter 168 of the session of 1840, entitled "An act for the relief of Cyrus P. Dunham and others," before and by the Canal Appraisers and also the Canal Board.

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

The President then put the question upon agreeing to the resolution, and it was decided in the affirmative.

Mr. Colt, from the committee on the internal affairs of towns and counties, to which was referred a petition for that purpose, reported a bill entitled, "An act to fix the time and place for holding the annual town meeting in the town of Colesville in the county of Broome," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. S. H. P. Hall,

*Ordered*, That said bill be now engrossed for its third reading.

Afterwards,

Mr. S. H. P. Hall, from the committee on engrossed bills, reported said bill as correctly engrossed.

*Ordered*, That said bill do have its third reading.

A bill was received from the Assembly for concurrence entitled, "An act to designate the place of holding the next annual town meeting in the town of Seward in the county of Schoharie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Coffin gave notice that he would ask leave, at an early day, to introduce a bill to provide for the election of the justices of the justices' court of the city of Hudson.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act for the relief of George W. Murray," also

"An act for the relief of Zebulon Moore," also

"An act for the relief of Nathaniel Mather."

The bill from the Assembly entitled, "An act conferring jurisdiction upon justices of the peace in the city of Rochester in actions upon the charter or bye-laws of said corporation," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Brownson

Mr. Cole  
Mr. Colt  
Mr. Cook  
Mr. Cornwell

Mr. Fuller  
Mr. Hawley  
Mr. Lawrence  
Mr. Martin

Mr. Bush	Mr. Fine	Mr. Treadwell
Mr. Clark	Mr. Floyd	Mr. Wilkin
Mr. Coffin	Mr. Fox	20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act for the relief of Zebulon Moore," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Coffin	Mr. Frost
Mr. Bokee	Mr. Cole	Mr. Fuller
Mr. Bond	Mr. Colt	Mr. Hawley
Mr. Brownson	Mr. Cook	Mr. Lawrence
Mr. Burch	Mr. Fine	Mr. Tamblin
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Williams
		21

## FOR THE NEGATIVE.

Mr. Cornwell	Mr. S. H. P. Hall	Mr. Martin	3
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*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act for the relief of George W. Murray," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cook	Mr. Lawrence
Mr. Bond	Mr. Cornwell	Mr. Martin
Mr. Brownson	Mr. Fine	Mr. Tamblin
Mr. Burch	Mr. Floyd	Mr. Treadwell
Mr. Bush	Mr. Fox	Mr. Wilkin
Mr. Clark	Mr. Frost	Mr. Williams
Mr. Coffin	Mr. Fuller	23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to fix the time and place of holding the annual town meeting in the town of Colesville in the county of Broome," was read the third time and passed, a majority of all



the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Bokee	Mr. Cook	Mr. Hawley
Mr. Brownson	Mr. Cornwell	Mr. Lawrence
Mr. Burch	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Coffin	Mr. Fox	Mr. Treadwell
Mr. Cole	Mr. Frost	Mr. Williams
Mr. Colt	Mr. S. H. P. Hall	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act for the relief of Nathaniel Mather," was read the third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cook	Mr. Lawrence
Mr. Bond	Mr. Cornwell	Mr. Martin
Mr. Brownson	Mr. Fine	Mr. Tamblin
Mr. Burch	Mr. Fox	Mr. Treadwell
Mr. Bush	Mr. Frost	Mr. Wilkin
Mr. Coffin	Mr. Fuller	Mr. Williams
Mr. Cole	Mr. S. H. P. Hall	23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to amend the charter of the Washington Monument Association of the city of New-York," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. Clark	Mr. Fox
Mr. Bokee	Mr. Cole	Mr. Fuller
Mr. Bond	Mr. Colt	Mr. Hawley
Mr. Brownson	Mr. Cornwell	Mr. Lawrence
Mr. Burch	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Floyd	Mr. Treadwell
		18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act to incorporate the Auburn Savings Institution," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. Fuller
Mr. Bokee	Mr. Colt	Mr. Lawrence
Mr. Bond	Mr. Cook	Mr. Martin
Mr. Brownson	Mr. Cornwell	Mr. Tamblin
Mr. Burch	Mr. Fine	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Wilkin
Mr. Coffin	Mr. Frost	

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The President laid before the Senate the following communication from the Comptroller :

COMPTROLLER'S OFFICE, }  
Albany, Jan. 31, 1849. }

To the LEGISLATURE,  
*Of the State of New-York:*

GENTLEMEN—Anticipating that my duty may soon compel me to resign the office which I now hold, and being anxious to avoid any inconvenience which might result from a vacancy, I have thought that the public interest would be best consulted by a resignation to take effect at some future day, which should not only give time for the Legislature to pass a law for filling the vacancy, but also enable it to appoint a successor, and allow him time to reach the capital before I leave. I therefore respectfully resign the office of Comptroller, to take effect on the 20th day of February next.

I cannot suffer the opportunity to pass without expressing to you my heartfelt thanks for the courtesy and kindness which on your part have marked all our official intercourse.

I have the honor to be,

Your obedient servant,

MILLARD FILLMORE,

*Comptroller.*

By unanimous consent,

Mr. Lawrence offered for the consideration of the Senate the following resolution :

*Resolved*, (if the Assembly concur,) That the resignation by the Hon. Millard Fillmore of his office of Comptroller of this State, to take effect on the 20th day of February next, which has this day been communicated to the Legislature be accepted, with an expression of their thanks for the zeal, ability and fidelity with which he

has discharged the duties that were confided to him by the people of this State.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative.

By unanimous consent,

Mr. Wilkin gave notice that he would ask leave, at some future time, to introduce a bill to amend the 133d section of the code of procedure.

And then the Senate adjourned till 11 o'clock to-morrow morning.

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THURSDAY, 11 O'CLOCK A. M., FEBRUARY 1, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The Journal of yesterday was read and approved.

Mr. Treadwell presented the petition of 170 citizens of Albany county praying that the collection of rents be stayed until the question of title is settled between Van Rensselaer and the State, which was referred to the committee on the judiciary.

Mr. Hawley presented the petition of citizens of school district No. 5 in Bath for a free school in said district, which was referred to the committee on literature.

Mr. Fox presented the petition of Mr. Miller and others, trustees of school district No. 3 of the village of Greenbush, praying for the passage of a law for free schools, which was committed to the committee of the whole.

Mr. Coffin presented the petition of 2,000 citizens of the village of Poughkeepsie for a law establishing a police court in said town, which was referred to the committee on the judiciary.

Mr. Little presented the petition of 344 citizens of Butternuts for a division of said town, which was referred to the committee on the erection and division of towns and counties.

Mr. Fine presented the petition of a great number of citizens of the city of New-York for a law to suppress gambling.

Mr. Burch presented the petition of the Albany Dock Association relative to widening the opening in the Albany pier.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
January 31, 1849. }

To the SENATE,—

I have this day approved and signed a bill entitled, "An act to continue in office the commissioners on practice and pleadings."

HAMILTON FISH.

The President laid before the Senate a communication from the Mutual Safety Insurance Company of the city of New-York in answer to a resolution of the Senate of the 23d January, which was laid on the table.

The President also laid before the Senate the annual medical report of the trustees of the Northern Dispensary of the city of New-York for the year 1848, which was laid on the table.

Mr. Geddes, from the committee on the internal affairs of towns and counties, to which was referred a petition for that purpose, reported a bill entitled, "An act to provide for the collection of the fees of certain judicial and other officers," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

In pursuance of previous notice,

Mr. Coffin asked for and obtained leave to introduce a bill entitled, "An act to provide for the election of the justices of the justices' court in the city of Hudson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to designate the place of holding the next annual town meeting in the town of Seward in the county of Schoharie."

On motion of Mr. Colt,

*Ordered*, That said bill do have its third reading.

On motion of Mr. Williams,

The Senate then proceeded to the consideration of the following joint resolution from the Assembly, to wit:

*Resolved*, (if the Senate concur) That a survey be made, and be reported to the present Legislature the most feasible and practicable way of draining the Cayuga, Montezuma, and Cruso marshes, and what effect the lowering of the Seneca River will have upon the state canals, and whether the embankment made by the Auburn and Rochester Railroad Company across the Cayuga outlet, has a tendency to set back the waters of the Cayuga lake, at the head.

On motion of Mr. Geddes,

*Ordered*, That said resolution be referred to the committee on canals.

On motion of Mr. Wilkin,

*Ordered*, That the committee on the judiciary be discharged from

the further consideration of the petition of the supervisors of Oswego county for a repeal of the law providing for a registry of births, marriages and deaths, and also the petition of the supervisors of Onondaga county on the same subject, and the resolution of the supervisors of Dutchess for legislation relative to the compensation of the justices of sessions, &c., and that they be referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Geddes,

*Ordered*, That the bill providing for the conferring upon boards of supervisors certain legislative powers, be made the special order for Saturday the 3d of February.

On motion of Mr. Lawrence,

*Resolved*, That the Comptroller be requested to report to the Senate an abstract of the sums which have been, or shall be paid into the State Treasury, according to the requirements of section 3, title 21, chapter 20, part 1, of the Revised Statutes, on the 1st day of February, 1848, and on this 1st day of February, 1849, for the year, in each case ending on the first day of September then next preceding, by any agent of any insurance company not incorporated by this State, and doing business in the city of New-York.

*Resolved*, That the Comptroller be further requested to report to the Senate an abstract of all the bonds which have been executed to the people of this State, and delivered to the Comptroller according to law, at any time within five years past, by agents of insurance companies not incorporated by this State, and doing business in the city of New-York, designating in such abstract the names of such agents as within the said time have returned the annual accounts or have paid the annual tax required of them by section 4, title 21, chapter 20, part 1, of the Revised Statutes.

Mr. Fox gave notice that he would, at an early day, ask leave to introduce a bill for the incorporation of an association to be called and known as the West Sand Lake Association for mutual protection against horse thieves.

Mr. Cook gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled, "An act to authorise the formation of railroad corporations."

On motion of Mr. Treadwell,

The Senate then proceeded to consider the question on agreeing to the report of the committee of the whole on the bill entitled, "An act for the further protection of personal liberty."

Mr. Tamblin moved to lay the question of agreeing to the report on the table.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Bush  
Mr. Clark

Mr. Lawrence  
Mr. Tamblin

Mr. Williams

5

## FOR THE NEGATIVE.

Mr. Betts	Mr. Fine	Mr. Geddes
Mr. Brownson	Mr. Floyd	Mr. S. H. P. Hall
Mr. Coffin	Mr. Fox	Mr. Martin
Mr. Colt	Mr. Frost	Mr. Treadwell
Mr. Cook		

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The question then being on agreeing to the report of the committee of the whole,

The President put the question upon agreeing to said report, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Geddes
Mr. Bokee	Mr. Cook	Mr. S. H. P. Hall
Mr. Brownson	Mr. Cornwell	Mr. Hawley
Mr. Burch	Mr. Fine	Mr. Little
Mr. Coffin	Mr. Fox	Mr. Treadwell
Mr. Cole	Mr. Fuller	

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## FOR THE NEGATIVE.

Mr. Bush	Mr. Lawrence	Mr. Williams
Mr. Clark	Mr. Tamblin	

5

*Ordered*, That said bill be engrossed for a third reading.

The Assembly returned the bill entitled, "An act to fix the time and place of holding the annual town meeting in the town of Colesville in the county of Broome," with a message informing that they had passed the same with the amendment therewith delivered.

Mr. S. H. P. Hall moved that the Senate do concur in said amendment.

The President put the question upon agreeing to the said amendment, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Coffin	Mr. S. H. P. Hall
Mr. Bokee	Mr. Cole	Mr. Hawley
Mr. Brownson	Mr. Cornwell	Mr. Lawrence
Mr. Burch	Mr. Fine	Mr. Tamblin
Mr. Bush	Mr. Fuller	Mr. Williams
Mr. Clark	Mr. Geddes	

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment thereto.

The bill from the Assembly entitled, "An act to designate the place of holding the next annual town meeting in the town of Seward in the county of Schoharie," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. Geddes
Mr. Bokee	Mr. Colt	Mr. Hawley
Mr. Brownson	Mr. Cook	Mr. Lawrence
Mr. Burch	Mr. Fine	Mr. Little
Mr. Bush	Mr. Fox	Mr. Wilkin
Mr. Clark	Mr. Frost	Mr. Williams
Mr. Coffin		

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A message was received from the Assembly, informing that they had concurred in the passage of the resolution of the Senate accepting the resignation of the Hon. Millard Fillmore as Comptroller of the State.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to abolish capital punishment," and after some time spent thereon, Mr. S. H. P. Hall, from said committee, reported in favor of the passage of the same without amendment.

The question being on agreeing with the report of the committee of the whole,

Mr. Fine moved the following amendment to the report :

The electors shall determine by ballot, at the next annual election to be held in November next, whether this act shall or shall not become a law.

It shall be the duty of the Secretary of State to prepare and furnish to the several town clerks in the State, forms of the poll list, returns, and other necessary proceedings to carry into effect this act.

The ballots to be deposited in the ballot box, shall be in the following form.

Those cast in favor of the adoption of this act, shall be in the following form :

"Capital Punishment."

"For the abolition of capital punishment."

Those cast against it as follows :

"Capital Punishment."

"Against the abolition of capital punishment."

And the ballots shall be so folded as to conceal all the words except "capital punishment," which latter words shall not be concealed, but shall appear on the ballot as folded.

The inspectors of elections in the several election districts shall furnish a separate ballot box, into which shall be placed all the ballots given for or against the abolition of capital punishment.

The inspectors shall canvass the ballots and make returns thereof in the same manner as votes given for the office of Governor and Lt. Governor are by law canvassed and returned.

In case a majority of all the votes given in the State shall be cast in favor of the abolition of capital punishment, this act shall become a law, and take effect on the 1st January next thereafter, and in case a majority of all the votes in the State shall be cast against the abolition of capital punishment, this act shall not become a law.

The President put the question upon agreeing to the said amendment, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Brownson	Mr. Fine	Mr. Treadwell
Mr. Coffin		

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#### FOR THE NEGATIVE.

Mr. Bokee	Mr. Colt	Mr. Lawrence
Mr. Burch	Mr. Cook	Mr. Little
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	Mr. Williams

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Mr. Coffin moved to lay the question of agreeing with the report of the committee of the whole on the table.

The President put the question upon agreeing to said motion, and it was decided in the negative.

On motion of Mr. Williams,

The vote against laying said question on the table was reconsidered, and the question laid on the table.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to establish free schools throughout the State," and after some time spent thereon, Mr. Fuller, from said committee, reported in favor of the passage of the same.

On motion of Mr. Cornwell,

Said bill was referred to a select committee consisting of Messrs. Cornwell, Hawley and Lawrence, to consider and report complete.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to exempt from execution the homestead of a householder having a family," and after some time spent thereon, Mr. Frost, from said committee, reported progress, and asked for and obtained leave to sit again.

Mr. Bokee was excused from serving as a member of the com-



mittee of conference on the bill amending the act incorporating the American Baptist Home Missionary Society.

*Ordered*, That Mr. Fox be a member of said committee.

The President laid before the Senate a communication from the Canal Board in answer to a resolution of the Senate concerning the Erie and Ohio canal basin at Buffalo.

And then the Senate adjourned till 11 o'clock to-morrow morning.

FRIDAY, 11 O'CLOCK A. M., FEBRUARY 2, 1849.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Garnett.

The Journal of yesterday was read and approved.

Mr. Smith presented the petition of W. B. Howard for a grant of land under water, which was referred to the committee on commerce and navigation.

Mr. Fuller presented the memorial of the commissioners of the Western House of Refuge, which was referred to the committee on State prisons.

Mr. Fuller presented two petitions of citizens of Monroe county for the repeal of the law organising the mayor's court in Rochester.

Mr. Fuller presented the petition of Asahel Barber and Henry Pardee for compensation for canal damages, which was referred to the committee on canals.

Mr. Clark presented a remonstrance against the act to effectuate letters patent heretofore issued to Mary Englishbee, which was committed to the committee of the whole.

Mr. Coffin presented the petition of Patrick McAvara and others for a release of the interest of the State in certain lands, which was referred to the committee on the judiciary.

On motion of Mr. Little,

The committee on charitable and religious societies were discharged from the further consideration of the petition of Shubel Barton.

Mr. Lawrence, from the committee on finance, reported a bill entitled, "An act appropriating moneys for the payment of the claim of Henry B. Hewett and William Beach," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Floyd, from the committee on claims, reported adverse on the bill entitled, "An act for the relief of Packard Bruce," which was committed to the committee of the whole.

Mr. Fox, from the committee on the erection and division of towns and counties, to which was referred a petition for that purpose, reported a bill entitled, "An act to erect the town of North Butter-nuts in the county of Otsego," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act for the further protection of personal liberty."

A message was received from the Assembly, informing that they had passed the following bills without amendment :

"An act to authorise the election of a supervisor in each ward in the city of Utica," also

"An act to fix the time and place for holding the annual town meeting in the town of Colesville in the county of Broome."

*Ordered*, That said bills be transmitted to the Governor.

A bill was received from the Assembly for concurrence entitled, "An act making an appropriation for the New-York Institution for the instruction of the Deaf and Dumb to enable them to pay their debt," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

A bill was received from the Assembly for concurrence entitled, "An act to amend the charter of the village of Williamsburg," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act to amend the charter of the Washington Monument Association of the city of New-York."

*Ordered*, That said bill be returned to the Assembly.

By unanimous consent,

Mr. Tamblin, from the committee on the internal affairs of towns and counties, reported a bill entitled, "An act declaring a part of Black river a public highway," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Fuller gave notice that, at some future day, he would ask leave to introduce three bills for the following purposes :

A bill in relation to the premiums to be paid by the agents of foreign insurance companies doing business in the county of Monroe; also

A bill to amend the 77th section of "An act in relation to the judiciary," passed May 12, 1847 ; also

A bill to abolish the mayor's court in the city of Rochester.

Mr. Geddes gave notice that, at an early day, he would ask leave to introduce an act to incorporate the Syracuse savings institution.

Mr. Smith gave notice that he would, at some future day, introduce a bill reducing the legal rate of interest to six per cent.

In pursuance of previous notice,

Mr. Geddes asked for and obtained leave to introduce a bill entitled, "An act to incorporate the Syracuse Savings Institution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

The bill entitled, "An act for the further protection of personal liberty," being announced as on its third reading,

On motion of Mr. Geddes,

*Ordered*, That said bill be recommitted to the committee of the whole.

In pursuance of previous notice,

Mr. Cook asked for and obtained leave to introduce a bill entitled, "An act to amend an act to authorise the formation of railroad corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

In pursuance of previous notice,

Mr. S. H. P. Hall asked for and obtained leave to introduce a bill entitled, "An act relating to chattel mortgages in the county of Broome," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend an act entitled, 'An act to amend the charter of the New-York Floating Dry Dock Company,' passed April 18, 1843," and after some time spent thereon, Mr. Williams, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise the Comptroller to issue registered notes in place of unregistered ones in certain cases," and after some time spent thereon, Mr. Coffin, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to confirm the official acts of the officers of the town of North Hudson elected at, and to legalise the town meeting held therein on the third Tuesday of April, 1848," and after some time spent thereon, Mr. Fine, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to incorporate the Albany City Savings Institution," and Mr. Fox, from said committee, reported progress.

*Ordered*, That said bill be referred to a select committee consisting of Messrs. Cook, Little and Treadwell, to consider and report complete.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise the payment of certain canal damages to Avery Z. Kingsley, executor of Amos Kingsley," and after some time spent thereon, Mr. Geddes, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise a loan from the common school fund to the county of Orleans for the purpose of building a bridge across the Oak Orchard creek in the town of Carlton in said county, and of constructing a road to said bridge," and after some time spent thereon, Mr. Bond, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That the said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to incorporate the Syracuse Waterworks Company," and after some time spent thereon, Mr. Little, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act authorising the Comptroller to receive returns of certain unpaid taxes in the town of Bleeker for the year 1847," and after some time spent thereon, Mr. Lawrence, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act authorising the publication and distribution of the laws relating to the poor and to amend chapter 214 of the laws of 1842," and Mr. Brownson, from said committee, reported that the committee had struck out the enacting clause to said bill.

On motion of Mr. Bush,

*Ordered*, That the question on agreeing to said report be laid on the table.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise the surrogate of the county of Richmond to admit to probate the last will and testament of Joseph P. Burger, deceased," and after some time spent thereon, Mr. Betts, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That the question on agreeing with the report of the committee be laid on the table.

A bill was received from the Assembly for concurrence entitled, "An act for the prevention and punishment of prize or concerted fighting," which was read the first time, and by unanimous consent

was also read the second time, and referred to the committee on the judiciary.

A message was received from the Assembly, informing that they had passed the resolution of the Senate providing for the election of a Senator of the United States on the 6th inst. in place of John A. Dix, with an amendment striking out the words "February next," and inserting in place thereof the words "February, 1849."

The President put the question upon agreeing to the said amendment, and it was decided in the affirmative.

And then the Senate adjourned till 11 o'clock to-morrow morning.

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## SATURDAY, 11 O'CLOCK A. M., FEBRUARY 3, 1849

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The Journal of yesterday was read and approved.

Mr. Treadwell presented the remonstrance of citizens of Albany against the passage of the bill providing for an enlargement of the cut in the Albany pier.

Mr. Fox presented the petition of citizens of Schodack for the new town of Taylor, which was committed to the committee of the whole.

Mr. Brownson presented the petition of David W. Douglass for an act authorising causes which cannot be heard in the district where they are pending to be heard in an adjoining district, which was referred to the committee on the judiciary.

Mr. Bush presented the petition of citizens of Erie county in favor of a free school, which was referred the select committee on that subject.

Mr. Geddes presented the petition of the common council of Syracuse for the construction of a bridge across the Erie canal at Townsend-street, which was referred to the committee on canals.

Mr. Burch presented the petition of officers and citizens of the town of Salisbury to amend the act passed September 21, 1847, authorising the county of Herkimer to raise and disburse certain money, which was referred to the committee on the internal affairs of towns and counties.

Mr. Lawrence, from the committee on finance, reported in favor of the passage of the bill from the Assembly entitled, "An act making an appropriation for the New-York Institution for the instruction of the Deaf and Dumb to enable them to pay-off their debt."

*Ordered*, That this bill be referred to the committee of the whole having in charge the bill vesting in the boards of supervisors certain legislative powers.

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act for the prevention and punishment of prize and concerted fighting," which was ordered referred as above.

Mr. Fine, from the committee on the judiciary, to which was referred the petition for that purpose, reported a bill entitled, "An act authorising the election of a police justice in the village of Poughkeepsie," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to provide for the election of the justices of the justices' court in the city of Hudson," which was committed to the committee of the whole.

Mr. Fine moved that the committee on the judiciary be discharged from the further consideration of the act relating to chattel mortgages in the county of Broome.

On motion of Mr. S. H. P. Hall,

*Ordered*, That said bill be recommitted to the committee on the judiciary.

In pursuance of previous notice,

Mr. Fuller asked for and obtained leave to introduce a bill entitled, "An act relating to the premiums to be paid by the agents of foreign insurance companies doing business in the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The President laid before the Senate a communication from the Comptroller in answer to a resolution of the Senate in relation to the stocks held by foreigners and citizens of our own State, which was referred to the committee on finance.

Mr. Cook, from the select committee, reported complete the bill entitled, "An act to incorporate the Albany City Savings Institution," which report was agreed to.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Geddes, from the committee on the internal affairs of towns and counties, to which was referred a petition for that purpose, reported a bill entitled, "An act to repeal the act providing for the registry of births, marriages and deaths," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Cornwell, from the committee on railroads, reported in favor of the passage of the bill entitled, "An act to amend an act providing for the incorporation of the Canandaigua and Corning Railroad Company," which was committed to the committee of the whole.

In pursuance of previous notice,

Mr. Smith asked for and obtained leave to introduce a bill entitled, "An act reducing the rate of interest on money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice,

Mr. Fuller asked for and obtained leave to introduce a bill entitled, "An act relating to the premiums to be paid by the agents of foreign insurance companies doing business in the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

The President laid before the Senate the report of the Canal Appraisers in answer to a resolution of the Senate adopted January 16, 1849, which was referred to the committee on canals.

The President laid before the Senate a report of the affairs of the Rochester Savings Bank on the 1st January, 1849, which was referred to the committee on banks.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
February 2, 1849. }

To the SENATE,—

I have this day approved and signed bills with the following titles, to wit :

"An act to fix the time and place of holding the annual town meeting in the town of Colesville in the county of Broome," also

"An act to authorise the election of a supervisor in each ward in the city of Utica."

HAMILTON FISH.

The bill from the Assembly entitled, "An act to confirm the official acts of the officers of the town of North Hudson elected at, and to legalise the town meeting held therein on the third Tuesday of April, 1848," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Lawrence
Mr. Bond	Mr. Cook	Mr. Little
Mr. Brownson	Mr. Fine	Mr. Smith
Mr. Burch	Mr. Fox	Mr. Treadwell
Mr. Clark	Mr. S. H. P. Hall	Mr. Williams
Mr. Coffin	Mr. W. Hall	

17

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act authorising the Comptroller to receive the returns of certain unpaid taxes on non-resident lands in the town of Bleecker for the year 1847," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Lawrence
Mr. Bond	Mr. Cornwell	Mr. Little
Mr. Brownson	Mr. Fine	Mr. Smith
Mr. Burch	Mr. Geddes	Mr. Tamblin
Mr. Bush	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Clark	Mr. W. Hall	Mr. Williams
Mr. Coffin		

19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act authorising a loan from the common school fund to the county of Orleans," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bond	Mr. Cook	Mr. Lawrence
Mr. Brownson	Mr. Cornwell	Mr. Little
Mr. Burch	Mr. Fine	Mr. Smith
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Williams
Mr. Cole	Mr. Geddes	

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to authorise the Comptroller to issue registered notes in place of unregistered ones in certain cases," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bond	Mr. Cook	Mr. Lawrence
Mr. Brownson	Mr. Fine	Mr. Little
Mr. Clark	Mr. Fox	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. Geddes	

17



## FOR THE NEGATIVE.

Mr. Floyd

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to amend an act entitled, 'An act to incorporate the New-York Floating Dry Dock Company,' passed April 18, 1843," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts

Mr. Colt

Mr. W. Hall

Mr. Bond

Mr. Cook

Mr. Hawley

Mr. Brownson

Mr. Cornwell

Mr. Lawrence

Mr. Burch

Mr. Fine

Mr. Little

Mr. Bush

Mr. Fox

Mr. Tamblin

Mr. Clark

Mr. Fuller

Mr. Treadwell

Mr. Coffin

Mr. Geddes

Mr. Williams

Mr. Cole

Mr. S. H. P. Hall

23

## FOR THE NEGATIVE.

Mr. Smith

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to incorporate the Syracuse Waterworks Company," and after some time spent thereon, Mr. Little, from said committee, reported in favor of the passage of the same without amendment.

Mr. Tamblin moved to amend the report of the committee by striking out in the 20th section all after the word "company" in the second line.

The President put the question upon agreeing to said motion, and it was decided in the negative.

Mr. Smith moved to amend the report of the committee by striking out all of the 20th section after the word "company" in the fourth line.

The President put the question upon agreeing to the said amendment, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts

Mr. Floyd

Mr. Smith

Mr. Clark

Mr. Hawley

Mr. Tamblin

Mr. Fine

7

## FOR THE NEGATIVE.

Mr. Board  
Mr. Brownson  
Mr. Burch  
Mr. Colt  
Mr. Cook

Mr. Cornwell  
Mr. Fuller  
Mr. Geddes  
Mr. S. H. P. Hall  
Mr. W. Hall

Mr. Lawrence  
Mr. Little  
Mr. Treadwell  
Mr. Williams

15

The report of the committee of the whole was then agreed to, and said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act vesting in the boards of supervisors certain legislative powers," also the bills from the Assembly with the following title :

"An act making an appropriation to the New-York Institution for the instruction of the Deaf and Dumb to enable them to pay off their debt," also

"An act for the prevention and punishment of prize and concerted fighting," and after some time spent thereon, Mr. Smith, from said committee, reported in favor of the passage of the bill making an appropriation to the New-York Institution for the instruction of the Deaf and Dumb, which report was agreed to.

*Ordered*, That said bill do have its third reading.

Mr. Smith then reported progress on the bill for the prevention of prize and concerted fighting, and also on the bill vesting in the boards of supervisors certain legislative powers, and asked for and obtained leave to sit again.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
February 3, 1849. }

To the SENATE,—

I have this day approved and signed a bill entitled, "An act to provide for filling vacancies in office."

HAMILTON FISH.

And then the Senate adjourned till Monday morning at 11 o'clock.

MONDAY, 11, O'CLOCK A. M. FEBRUARY 5, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Huntington.

The Journal of Saturday was read and approved.

Mr. Treadwell presented the remonstrance of John Townsend and others, citizens of Albany, against removing the bulk head and bridge at the foot of Hamilton street, which was referred to the committee on commerce and navigation.

Mr. Brownson presented a remonstrance against the division of the town of Sheldon.

Mr. Fuller presented a remonstrance of the common council of Rochester against the abolition of the mayor's court of said city, which was committed to the committee of the whole.

Mr. Bond presented the petition of Henry Jordan, an Oneida Indian, for compensation for services as interpreter, which was referred to the committee on Indian affairs.

Mr. Bond presented the remonstrance of citizens of Cattaraugus county against the repeal of an act passed April 12, 1848, relating to road district No. 2 in Persia, which was committed to the committee of the whole.

Mr. Hawley presented the petition of citizens of Allegany county for a reduction of canal tolls on foreign salt, which was laid on the table.

Mr. Hawley also presented the petition of citizens of Allegany county for a law authorising the supervisors to locate county buildings, which was laid on the table.

Mr. Coffin presented the petition of the trustees of Dutchess co. academy for relief, which was referred to the committee on literature.

Mr. Bond, from the committee on literature, to which was referred the petition for that purpose, reported a bill entitled, "An act to incorporate the Mansion Square Female Seminary in the village of Poughkeepsie," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Williams, from the committee on claims, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act to provide for the appraisal and payment of canal damages sustained by William Sherman and Uriah Sherman," which was committed to the committee of the whole.

In pursuance of previous notice,

Mr. Bush asked for and obtained leave to introduce a bill entitled, "An act to incorporate the Buffalo Dry Dock and Marine Railway Company," which was read the first time, and by unanimous

consent: was also read the second time, and referred to the committee on commerce and navigation.

On motion of Mr. Fuller,

*Resolved*, That the resolution of January 30, 1849, requesting the Canal Board to transmit to the Senate a copy of the proceedings of the Canal Board and Canal Appraisers relating to the claim of Cyrus P. Dunham and others be, and the same is hereby rescinded.

The bill entitled, "An act to incorporate the Syracuse City Waterworks Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. S. H. P. Hall
Mr. Bond	Mr. Fine	Mr. W. Hall
Mr. Brownson	Mr. Floyd	Mr. Lawrence
Mr. Burch	Mr. Fox	Mr. Little
Mr. Bush	Mr. Frost	Mr. Smith
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. Geddes	Mr. Williams

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to incorporate the Albany City Savings Institution," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Brownson	Mr. Fox	Mr. Smith
Mr. Burch	Mr. Fuller	Mr. Tamblin
Mr. Coffin	Mr. Geddes	Mr. Treadwell
Mr. Colt	Mr. S. H. P. Hall	Mr. Williams
Mr. Cornwall	Mr. W. Hall	

22

*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

A message was received from the Assembly, informing that they had passed the bill entitled, "An act to repeal the act entitled, 'An act to change the name of the corporation of the trustees of the fund of the Genesee conference,' passed March 24, 1829, and for other purposes," with an amendment changing the title so as to add thereto the words "an act to incorporate the trustees of the fund of the Oneida annual conference and."

On motion of Mr. Little,

*Ordered*, That this bill and the amendments, be referred to the committee on charitable and religious societies.

The Assembly also sent for concurrence the following resolution, to wit :

*Resolved*, (if the Senate concur,) That on Tuesday the sixth day of February inst., at one o'clock, or immediately after the election of United States Senator, the two houses of the Legislature will proceed to elect by joint ballot, a person to fill the vacancy in the office of Comptroller, which will be occasioned by the resignation of Millard Fillmore, and immediately thereafter they will, in like manner, proceed to elect a person to fill the vacancy in the office of Regent of the University, occasioned by the death of the late Elisha Jenkins.

Mr. Bush moved to strike out of said resolution all after the word "elect" in the 4th line to and including the word "elect" in the 7th line.

The President put the question upon agreeing to the said amendment, and it was decided in the affirmative.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills:

"An act to incorporate the Albany City Savings Institution," also

"An act to incorporate the Syracuse City Waterworks Company."

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the Life Savings Benevolent Association of New-York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

The bill from the Assembly entitled, "An act making an appropriation to the New-York Institution for the instruction of the Deaf and Dumb, to enable them to pay off their debt," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts  
Mr. Bond  
Mr. Brownson  
Mr. Bush  
Mr. Coffin  
Mr. Cole  
Mr. Colt

Mr. Cornwell  
Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. Geddes

Mr. W. Hall  
Mr. Hawley  
Mr. Lawrence  
Mr. Little  
Mr. Smith  
Mr. Treadwell  
Mr. Williams

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to vest in the boards of supervisors certain legislative powers," and after some time spent thereon, Mr. Smith, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act for the prevention of prize or concerted fighting," and after some time spent thereon, Mr. Smith, from said committee, reported progress, and asked for and obtained leave to sit again.

*Ordered*, That the substitute for said bill, offered in committee of the whole by Mr. Lawrence, be printed.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to lessen the severity of criminal punishments," and after some time spent thereon, Mr. Cook, from said committee, reported progress, and asked for and obtained leave to sit again.

And then the Senate adjourned till 11 o'clock to-morrow morning.

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## TUESDAY, 11 O'CLOCK A. M., FEBRUARY 6, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Kennedy.

The Journal of yesterday was read and approved.

Mr. Fox presented the petition of citizens of Schodack for a division of said town and the erection of a new one.

Mr. Colt presented a petition for the relief of Campbell Harris.

Mr. Little from the committee on charitable and religious societies, to which was referred the amendments of the Assembly to the bill entitled, "An act to repeal the act entitled, 'An act to change the name of the corporation of the trustees of the funds of the Genesee conference,' passed March 24, 1829, and for other purposes," reported in favor of concurring in said amendment, being as follows:

To prefix to said title the words "to incorporate the trustees of the funds of the Oneida annual conference."

The President put the question upon agreeing to said amendment, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Lawrence
Mr. Betts	Mr. Fox	Mr. Little
Mr. Burch	Mr. Frost	Mr. Smith
Mr. Colt	Mr. Fuller	Mr. Treadwell
Mr. Cook	Mr. W. Hall	Mr. Whallon
Mr. Fine	Mr. Johnson	Mr. Williams

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment thereto.

Mr. S. H. P. Hall, from the committee on state prisons, to which was referred a petition for that purpose, reported a bill entitled, "An act for the relief of Henry Rogers," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 119.)*

Mr. S. H. P. Hall, from the committee on state prisons, to which was referred a petition for that purpose, reported a bill entitled, "An act for the relief of Charles A. Jones," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 120.)*

Mr. Williams, from the majority of the committee on claims, reported a bill entitled, "An act for the relief of Jesse McKinley," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 121.)*

Mr. Fuller, from the committee on canals, reported a bill entitled, "An act to provide for the appraisal and payment of canal damages to Cicero Collins," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 122.)*

Mr. Fuller, from the committee on canals, reported a bill entitled, "An act to provide for the appraisal and payment of canal damages to Erastus Hughes," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 123.)*

Mr. Fuller, from the committee on canals, reported a bill entitled, "An act to provide for the appraisal and payment of canal damages to Charles W. Woolston," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 124.)

Mr. Fuller, from the committee on canals, to which was referred the petition for that purpose, reported a bill entitled, "An act to provide for the appraisal and payment of canal damages to Henry Pardee," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 126.)

Mr. Fuller, from the committee on canals, to which was referred the petition for that purpose, reported a bill entitled, "An act to provide for the appraisal and payment of canal damages to Asahel Barker," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 125.)

Mr. Lawrence, from the select committee, reported complete the bill entitled, "An act to establish free education throughout the State."

*Ordered*, That the question on agreeing with the report of the committee be laid on the table.

Mr. Colt, from the committee on the internal affairs of towns and counties, to which was referred a petition for that purpose, reported a bill entitled, "An act to amend an act to authorise the board of supervisors of the county of Herkimer to raise money by tax and disburse the same," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Little, from the committee of conference on the bill entitled, "An act to amend an act entitled, 'An act to incorporate the American Baptist Home Mission Society,' passed April 12, 1843," reported that they had agreed to recommend that the Senate concur in the amendments of the House substituting the word "whomsoever" in the 7th line for the word "whatsoever," and non-concurring with the amendment of the House inserting the words "hereafter to be made" in the same line.

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, as follows:



## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Coffin	Mr. Frost	Mr. Tamblin
Mr. Colt	Mr. Fuller	Mr. Treadwell
Mr. Cook	Mr. Geddes	Mr. Williams
Mr. Cornwell	Mr. S. H. P. Hall	

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

Mr. Lawrence gave notice that he would, at a future time ask leave to bring in a bill entitled, "An act to amend the act entitled, 'An act for filling vacancies in office,' passed February 3, 1849."

By unanimous consent,

Mr. Lawrence then introduced said bill, which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Lawrence,

*Ordered*, That said bill be now engrossed for its third reading.

By unanimous consent,

Mr. Fine, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act to confirm the official acts of Benjamin P. Miller, late sheriff of Broome county."

On motion of Mr. S. H. P. Hall,

*Ordered*, That said bill be now engrossed for a third reading.

On motion of Mr. Bush,

*Ordered*, That the bill to incorporate the Niagara Falls Bridge Company, be made the special order for to-morrow, Wednesday, Feb. 7.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the resolution relative to the appointment of a United States Senator, a Comptroller, and Regent of the University.

Mr. Lawrence laid before the Senate a communication from the Seamen's Bank for Savings in relation to their annual report, which was laid on the table.

Mr. Fuller offered for the consideration of the Senate the following resolution:

*Resolved*, (if the Assembly concur,) That his excellency the Governor be directed to procure and present, with the thanks of the Legislature, to each of the commissioned officers engaged in the late war with Mexico who are natives of this State, a gold medal with suitable device, and containing on one side the name of such officer and the time and place of the several battles in which he was engaged in said war; and that the expense of such medals, not exceeding the sum of        dollars, be paid by the Treasurer, on the warrant of the Comptroller, out of the General Fund, and that sum is hereby appropriated for that purpose.

*Ordered*, That this resolution be referred to the committee on the militia.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to lessen the severity of criminal punishments," and after some time spent thereon, Mr. Cook, from said committee, reported progress, and asked for and obtained leave to sit again.

In conformity with the provisions of law, and in compliance with the joint resolutions of the Senate and Assembly heretofore adopted, at 12 o'clock the Senate proceeded to the election of a United States Senator in the place of John A. Dix, whose term of service will expire on the 4th of March next, each Senator rising in his place and openly nominating, as follows.

William H. Seward was nominated by the following Senators :

Mr. Bond	Mr. Cook	Mr. S. H. P. Hall
Mr. Brownson	Mr. Cornwell	Mr. W. Hall
Mr. Burch	Mr. Fox	Mr. Little
Mr. Bush	Mr. Frost	Mr. Martin
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. Geddes	Mr. Williams
Mr. Colt		

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John A. Dix was nominated by the following Senators :

Mr. Betts	Mr. Floyd	Mr. Smith
Mr. Fine	Mr. Hawley	Mr. Whallon

6

Reuben Hyde Walworth was nominated by the following Senators :

Mr. Adams	Mr. Tamblin
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2

Daniel D. Barnard was nominated by the following Senators :

Mr. Johnson	Mr. Lawrence
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2

Thereupon the President announced that William H. Seward was duly nominated on the part of the Senate, a Senator to represent the State of New-York in the Congress of the United States.

The Senate then, in the same manner, proceeded to the election of a Regent of the University, in place of Elisha Jenkins, deceased.

Philip S. Van Rensselaer was nominated by the following Senators :

Mr. Bond	Mr. Cook	Mr. W. Hall
Mr. Brownson	Mr. Cornwell	Mr. Johnson
Mr. Burch	Mr. Fox	Mr. Lawrence
Mr. Bush	Mr. Frost	Mr. Little
Mr. Coffin	Mr. Fuller	Mr. Martin

Mr. Cole	Mr. Geddes	Mr. Treadwell	
Mr. Colt	Mr. S. H. P. Hall	Mr. Williams	21

Churchill C. Cambreling was nominated by the following Senators:

Mr. Betts	Mr. Floyd	Mr. Smith	
Mr. Fine	Mr. Hawley	Mr. Whallon	6

James T. Brady was nominated by the following Senators:

Mr. Adams	Mr. Tamblin	2
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The President then announced that Philip S. Van Rensselaer was duly nominated on the part of the Senate as Regent of the University, in place of Elisha Jenkins, deceased.

A resolution was received from the Assembly, informing the Senate that they would immediately meet the Senate in the Assembly chamber, to compare their nomination.

The President accordingly left the chair, and with the Senate proceeded to the Assembly chamber, and on comparing their nominations for Senator in Congress of the United State, they were found to agree in the name of William H. Seward; and on comparing their nominations for Regent of the University, they were found to agree in the name of Philip S. Van Rensselaer.

Thereupon the President announced and declared William H. Seward to be duly appointed a Senator to represent the State of New-York in the Congress of the United States for six years from the 4th day of March next, and Philip S. Van Rensselaer duly appointed a Regent of the University in place of Elisha Jenkins, deceased.

The Senate having returned to the Senate chamber, the President announced the foregoing proceedings to have taken place.

On motion of Mr. Bush,

*Ordered*, That the executive session be postponed until to-morrow.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to lessen the severity of criminal punishments," and after some time spent thereon, Mr. Cook, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the prevention and punishment of prize and concerted fighting," and after some time spent thereon, Mr. Floyd, from said committee, reported progress, and asked for and obtained leave to sit again.

A bill was received from the Assembly for concurrence entitled, "An act to designate the time and place of holding the next annual meeting of the town of Broome in the county of Schoharie," which was read the first time, and by unanimous consent was also read the

second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, 'An act to fix the place of the meeting of the board of supervisors of the county of Ulster,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, 'An act to amend an act entitled, 'An act in relation to justices and police courts in the city of New-York,' passed March 30, 1848, and an act amendatory to the same, passed April 12, 1848,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A message was received from the Assembly, informing that they had concurred with the Senate in the amendments to the bill entitled, 'An act to confirm the official acts of the officers of the town of North Hudson elected at, and to legalise the town meeting held therein on the third Tuesday of April, 1848.'

*Ordered,* That said bill be returned to the Assembly.

A bill was received from the Assembly for concurrence entitled, 'An act to authorise the supervisors of the county of Chemung to borrow money to build a jail and keeper's residence,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, 'An act to incorporate the Genesee College,' which was read the first time, and by unanimous consent was also read the second time and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, 'An act to authorise the appraisal and payment of canal damages to John King,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, 'An act to amend an act to provide for building a court house in the county of Madison, passed April 11, 1848,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, 'An act to amend an act entitled, 'An act to provide for the election of county treasurers and to fix their term of office,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, 'An act to declare the validity of the election of Ebenezer W. Peck as county treasurer of the county of Kings and to fix his term

of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise the payment of certain canal damages to Avery Z. Kingsley, executor of Amos Kingsley," and Mr. Geddes, from said committee, reported that the committee had stricken out the enacting clause of said bill, which report was agreed to.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate do non-concur in the passage thereof.

On motion of Mr. Fine,

The Senate then proceeded to the consideration of the question on agreeing with the report of the committee of the whole on the bill authorising and directing the surrogate of the county of Richmond to admit to probate and record the last will and testament of Joseph P. Burger, deceased.

*Ordered*, That the question on agreeing to said report be laid on the table.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to exempt from execution the homestead of a householder having a family," and after some time spent thereon, Mr. Bush, from said committee, reported progress, and asked for and obtained leave to sit again.

And then the Senate adjourned till 11 o'clock to-morrow morning.

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WEDNESDAY, 11 O'CLOCK A. M., FEBRUARY 7, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Huntington.

The Journal of yesterday was read and approved.

Mr. Cole presented the petition of William Levy and other citizens of the county of Orleans for the sale of land for taxes in the county where land is situated, which was referred to the committee on the internal affairs of towns and counties.

Mr. Williams presented the petition of citizens of Tompkins co. on the same subject, which was referred to the same committee.

Mr. Cole presented a remonstrance of the directors of the Niagara Falls International Bridge Company against the passage of the

bill entitled, "An act to incorporate the Niagara Falls Bridge Company," which was referred to the committee on commerce and navigation.

Mr. Cole also presented the remonstrance of Thomas S. Clark and other citizens of the county of Orleans against the passage of the act to incorporate the Niagara Falls Bridge Company, which was committed to the committee of the whole.

Mr. Geddes presented the petition of Crosirt Ward for extra allowance on section 20 of Cayuga and Seneca canal, which was referred to the committee on canals.

Mr. Cook presented two remonstrances against the repeal of an act in relation to emigrants at ports north of Albany, which were referred to the committee on commerce and navigation.

Mr. Whallon presented the petition of citizens of Clinton co. for power to take private lands for the route of the Plattsburgh and Montreal railway, a short route of only 22 miles, and intersecting the great Boston railroad from Rouse's Point to Ogdensburgh, which was referred to the committee on railroads.

Mr. Whallon also presented the petition of citizens of Plattsburg for a grant to take private lands for a railway from the road at White Hall north through the counties of Essex and Clinton to Plattsburg, with a view to the completion of an entire line within the State of New-York, from the cities and railway on the Hudson to Ogdensburgh and to Canada north in the direction of Montreal, which was referred to the committee on railroads.

Mr. Lawrence presented the petition of the owners of the capital stock of the Hempstead Seminary in the county of Queens praying for authority to sell certain real estate, which was referred to the committee on literature.

Mr. Treadwell presented the remonstrance of 77 cartmen of Albany against removing the bulkhead and bridge at the foot of Hamilton street, which was referred to the committee on commerce and navigation.

Mr. Treadwell also presented the petition of citizens of Albany for a repeal of the law authorising the collection of double wharfage, which was referred to the committee on commerce and navigation.

Mr. Treadwell also presented the remonstrance of Erastus Corning and other citizens of Albany against the removal of a bulkhead and bridge at the foot of Hamilton street, which was referred to the committee on commerce and navigation.

Mr. Johnson presented the memorial of citizens of Erie and Chautauque for an amendment of the act authorising the construction of a bridge across the Cattaraugus creek at Upper Irving, which was referred to the committee on roads and bridges.

Leave of absence was granted to Mr. Clark for seven days, and Mr. Smith for seven days.

On motion of Mr. Johnson,

*Resolved*, That five times the usual number of the report of the special committee on the northern railroad be printed, and also of the minority report on the same subject.

The President laid before the Senate the report of the Poughkeepsie Savings Bank and the report of the Schenectady Savings Bank, which were referred to the committee on banks.

Mr. Bokee presented the 21st report of the Brooklyn Savings Bank, which was referred to the committee on banks.

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the act to provide for building a court house in the county of Madison, passed April 11, 1848," which was committed to the committee of the whole.

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to designate the place of holding the next annual town meeting of the town of Broome in the county of Schoharie," which was committed to the committee of the whole.

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported in favor of the passage of a bill from the Assembly entitled, "An act to fix the place of meeting of the board of supervisors of Ulster county," which was committed to the committee of the whole.

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act authorising the supervisors of Chemung county to borrow money to build a jail and keeper's residence," which was committed to the committee of the whole.

Mr. Cook, from the committee on banks and insurance companies, reported a bill entitled, "An act to incorporate the Syracuse Savings Institution," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to exempt from execution the homestead of a householder having a family," and after some time spent thereon, Mr. Bush, from said committee, reported in favor of the passage of the same with amendments.

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts  
Mr. Brownson  
Mr. Bush  
Mr. Cole

Mr. Colt  
Mr. Fine  
Mr. Floyd  
Mr. Fuller

Mr. Geddes  
Mr. Hawley  
Mr. Tamblin  
Mr. Treadwell 12

#### FOR THE NEGATIVE.

Mr. Adams  
Mr. Bokee

Mr. Fox  
Mr. Frost

Mr. Lawrence  
Mr. Little

Mr. Bond  
Mr. Cook  
Mr. Cornwell

Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Johnson

Mr. Martin  
Mr. Whallon  
Mr. Williams

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Mr. Fine then moved a reconsideration of said vote.

On motion of Mr. Fine,

*Ordered*, That the question on agreeing to said motion be laid on the table.

By unanimous consent,

Mr. Bush asked for and obtained leave to introduce a bill entitled, "An act to amend the charter of the Buffalo and Niagara Falls Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Bush called for the question on agreeing to the adverse report of the committee of the whole on the bill entitled, "An act directing the printing and distribution of the laws relating to the poor, and to amend chapter 214 of the laws of 1842."

The President put the question upon agreeing to the said report, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate do non-concur in the passage thereof.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to lessen the severity of criminal punishments," and after some time spent thereon, Mr. Cook, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to incorporate the Niagara Falls Bridge Company," and after some time spent thereon, Mr. Cornwell, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then proceeded to the consideration of executive business.

When the executive session was closed,

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills:

"An act to vest in the boards of supervisors certain legislative powers," also

"An act to confirm the official acts of Benjamin T. Miller, late sheriff of Broome county," also

"An act to amend the act entitled, 'An act to provide for filling vacancies in office,' passed February 3, 1849."

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act for the prevention of prize or concerted fighting," and after some time spent thereon, Mr. Floyd, from said committee, reported progress, and asked for and obtained leave to sit again.



The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to the recorder of the city of Troy," and after some time spent thereon, Mr. Colt, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to pay Joshua B. Van Deusen and Francis Bates certain sums of money expended by them for fines, costs and expenses in taking Barney Hiers, an escaped convict," and after some time spent thereon, Mr. Cornwell, from said committee, reported in favor of the passage of the same with amendments, which report was agreed to and said bill ordered to a third reading.

A bill was received from the Assembly for concurrence entitled, "An act to vest special powers in the justices of the supreme court heretofore vested in the Vice Chancellors of this State," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Fine,

*Ordered*, That said bill do now have its third reading.

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Hawley
Mr. Betts	Mr. Floyd	Mr. Little
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Colt	Mr. Geddes	Mr. Treadwell
Mr. Cook	Mr. W. Hall	Mr. Whallon
Mr. Cornwell		

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act requiring chattel mortgages to be registered," and Mr. Whallon, from said committee, reported progress on said bill.

On motion of Mr. S. H. P. Hall,

*Ordered*, That said bill be referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to abolish the protesting of promissory notes and inland bills of exchange," and Mr. W. Hall, from said committee, reported that the committee had struck out the enacting clause to said bill, which report was agreed to.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend the act entitled, 'An act for the more effectual protection of the property of married women,'" and after some time spent thereon, Mr. Johnson, from said committee, reported in favor of the passage of the same without amendment.

On motion of Mr. Geddes,

*Ordered*, That the question on agreeing with the report of the committee be laid on the table.

A resolution was received from the Assembly in the words following, to wit:

*Resolved*, (if the Senate concur,) That the State Engineer and Surveyor be authorised to prepare a map of this State on a large scale, on which shall be delineated the lines of every railroad and canal now constructed or in process of construction, and also the lines of projected railroads and canals; one copy of said map to be hung in the cloak room of the Assembly chamber and the other in the cloak room of the Senate, provided however that the cost of preparing the same shall not exceed the sum of two hundred dollars.

*Ordered*, That said resolution be laid on the table.

On motion of Mr. Fuller,

The Senate then agreed to rescind the resolution heretofore adopted by them, which is as follows:

*Resolved*, That the Canal Commissioners are requested to transmit to the Senate a copy of the estimate of the quantity of embankment, excavation, masonry, and all other structures, and of the quantity and quality of all materials to be used in constructing and finishing the ditch from Skajaquada to Cornelius creek, and bridges over the same to Amherst street on the military road, for draining certain lands in the town of Black Rock, and of the cost of the same made prior to entering into a contract with Enos Steel for said work, pursuant to the 9th section of State Engineer and Surveyor and the Engineer department, passed March 4, 1848, and also any alterations subsequently made in the plans and specifications exhibited at the letting of said contract.

And then the Senate adjourned till 11 o'clock to-morrow morning.

THURSDAY, 11 O'CLOCK A. M., FEBRUARY 8, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Kennedy.

The Journal of yesterday was read and approved.

Mr. Martin presented the petition of the citizens of Cattaraugus requesting that land sold for taxes may be sold in the counties where situated, which was referred to the committee on the internal affairs of towns and counties.

Mr. Little presented the petition of the supervisors of Otsego co. against a division of the town of Butternuts, which was committed to the committee of the whole.

Mr. Lawrence presented the petition of Mary Catharine Rapp for relief in relation to an escheat, which was referred to the committee on the judiciary.

Mr. Cole presented the petition of Isaac W. Swan and others in relation to common schools in the village of Madison, which was referred to the committee on literature.

Mr. Bond presented the memorial of trustees of Hamilton College for a renewal of the appropriation heretofore made to that institution, which was referred to the committee on literature.

Mr. Treadwell presented three several petitions of citizens of Albany for a stay in the collection of rents until the question of title between Van Rensselaer and the State is settled, which were referred to the committee on the judiciary.

Mr. Treadwell also presented the remonstrance of 500 citizens of Albany against enlarging the cut in the pier, which was referred to the committee on commerce and navigation.

Mr. Cornwell presented the petition of George Wilson for relief in consequence of obstructions at the outlet of Crooked Lake, which was referred to the committee on claims.

Mr. Whallon presented the petition of citizens of Clinton county for the right to build a railway from Plattsburg to the Canada line to intersect the Ogdensburg and Lake Champlain railroad, which was referred to the committee on railroads.

Mr. Whallon presented a petition for a railroad from Plattsburg to Whitehall, which was referred to the committee on railroads.

Mr. Whallon also presented the petition of superintendents of the poor in Essex county for a law allowing them to enlarge and repair the county poor house in said county, which was referred to the committee on the judiciary.

Mr. Little from the committee on charitable and religious societies, introduced a bill entitled, "An act in relation to religious societies," which was read the first time, and by unanimous consent

was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 132.)

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act to incorporate the Genesee College," which was committed to the committee of the whole.

Mr. Fine, from the committee on the judiciary, to which was referred the petition for that purpose, reported a bill entitled, "An act for the relief of Mary Catharine Rapp," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Fine,

*Ordered*, That said bill be now engrossed for its third reading.

Mr. Williams, from the majority of the committee on claims, reported a bill entitled, "An act to pay Francis Bates certain sums of money for fines, costs and expenses paid by him in consequence of taking Barney Hiers, an escaped convict," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor of the passage of a bill from the Assembly entitled, "An act to amend the charter of the village of Williamsburgh," which was committed to the committee of the whole.

Mr. Burch, from the committee on commerce and navigation, reported adverse to the passage of the bill entitled, "An act to repeal an act concerning passengers arriving at the ports of entry and landing in this State, passed December 10, 1847," which was committed to the committee of the whole.

On motion of Mr. Little,

The committee on charitable and religious societies were discharged from the further consideration of the bill entitled, "An act to incorporate the Life Savings Benevolent Association of New-York," and it was referred to the committee on the judiciary.

By unanimous consent,

Mr. Williams introduced a bill entitled, "An act to amend an act entitled, 'An act in relation to the canal debt and the maintenance of the canals for the fiscal year commencing October 1, 1848,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent,

Mr. Cole introduced a bill entitled, "An act in relation to common schools in the village of Medina," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on literature.

In pursuance of previous notice,

Mr. Bush asked for and obtained leave to introduce a bill entitled,

"An act to declare the public use of a railroad from Batavia to Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent,

Mr. Floyd introduced a bill entitled, "An act to repeal an act for the prevention of frauds in the sale of oils, passed May 25, 1836," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice,

Mr. Fox asked for and obtained leave to introduce a bill entitled, "An act to incorporate the West Sand Lake Association for mutual protection against horse stealing," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Geddes,

*Ordered*, That the committee on the judiciary be instructed to introduce a general law in conformity with the objects of the above named act.

Mr. Brownson, from the committee on public printing, reported in favor of printing five times the usual number of the report of Mr. Lawrence from the select committee on the subject of allowing a drawbridge across Lake Champlain at Rouse's Point, and a like number of the report of the minority of said committee.

The President put the question upon agreeing to said report, and it was decided in the affirmative.

Mr. W. Hall laid before the Senate a communication from the State department relative to the State Arsenal in New-York, being a proposed act entitled, "An act relative to the State Arsenal in the city of New-York," which was referred to the committee on the militia.

On motion of Mr. S. H. P. Hall,

*Resolved*, That the clerk of the court of appeals inform the Senate if he has paid into the State Treasury the sum of \$35,181 . 50, as required by the law passed April 12, 1848, chap. 277, sec. 10, and described in the chancellor's report of September 27, 1848, as funds unclaimed, and if not paid in, his reasons for not paying it.

On motion of Mr. Fuller,

The Senate then proceeded to the consideration of the resolution heretofore offered by him, as follows :

*Resolved*, That the clerk of the court of appeals be requested to report what progress has been made in the execution of the act entitled, "An act in respect to the funds and securities in possession of the clerk of the court of appeals," passed April 12, 1848," whether any of the funds and securities mentioned in said act have been transmitted to any of the county treasurers of this State pursuant to its provisions, and if not, why the same has not been done.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative.

On motion of Mr. Geddes,

The Senate then proceeded to consider the question on agreeing to the report of the committee of the whole on the bill entitled, "An act to amend an act entitled, 'An act for the more effectual protection of the property of married women.'"

On motion of Mr. Martin,

The report of the committee of the whole was amended by striking out of the first section of said bill as reported, all after the word "debts" in the 7th line.

Mr. Lawrence asked unanimous consent to make a further amendment to said bill, but objection being made, the motion could not be entertained.

The report was then agreed to.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Floyd moved that the Senate do reconsider its vote of agree- to the committee of the whole rejecting the bill entitled, "An act to abolish the protesting of promissory notes and inland bills of exchange."

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts  
Mr. Bush  
Mr. Cole

Mr. Cornwell  
Mr. Fine  
Mr. Floyd

Mr. Hawley  
Mr. Tamblin  
Mr. Whallon

9

#### FOR THE NEGATIVE.

Mr. Adams  
Mr. Bokee  
Mr. Bond  
Mr. Brownson  
Mr. Burch  
Mr. Colt

Mr. Cook  
Mr. Fox  
Mr. Geddes  
Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Johnson

Mr. Lawrence  
Mr. Little  
Mr. Martin  
Mr. Treadwell  
Mr. Williams

17

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act in relation to the recorder of the city of Troy," also

"An act for the relief of Mary Catharine Rapp."

A bill was received from the Assembly for concurrence entitled, "An act for the licensing and government of the pilots of the port of New-York, by way of Sandy Hook," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to designate the holydays to be observed in the acceptance and payment of bills of exchange and promissory notes," which was read the first time, and by unanimous consent was also read the

second time, and referred to the committee on banks and insurance companies.

A bill was received from the Assembly for concurrence entitled, "An act for the relief of the St. Lawrence Academy and to increase the number of its trustees," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act authorising the appraisal and payment of canal damages to Henry P. Alexander, David Tomlinson and others," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act authorising the Canal Board to hear and determine the claim of Washington Thurman, Warren Mills and Benjamin A. Towner, for damages sustained by them in the sinking of a canal boat," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to regulate fisheries in the town of Rosendale in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent,

Mr. Fine reported in favor of the passage of the bill entitled, "An act to amend an act entitled, 'An act in relation to the canal debt and the maintenance of the canals, for the fiscal year commencing October 1, 1848,'" which was committed to the committee of the whole.

The bill entitled, "An act in relation to the recorder of the city of Troy," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Floyd	Mr. Lawrence
Mr. Bokée	Mr. Fox	Mr. Little
Mr. Bond	Mr. S. H. P. Hall	Mr. Martin
Mr. Brownson	Mr. W. Hall	Mr. Treadwell
Mr. Colt	Mr. Hawley	Mr. Whallon
Mr. Fine	Mr. Johnson	

17

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to vest in the boards of supervisors certain legislative powers," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Little
Mr. Burch	Mr. Fuller	Mr. Treadwell
Mr. Bush	Mr. Geddes	Mr. Williams
Mr. Cole	Mr. S. H. P. Hall	

23

FOR THE NEGATIVE.

Mr. Martin

1

*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the support of the Marine Hospital, by transferring a portion of the commutation fund for that object," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

By unanimous consent,

Mr. Lawrence, from said committee, reported in favor of the passage of said bill, which was committed to the committee of the whole.

The bill entitled, "An act for the relief of Mary Catharine Rapp," was read the third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Betts	Mr. Cornwell	Mr. Lawrence
Mr. Bokee	Mr. Fine	Mr. Little
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Brownson	Mr. Fox	Mr. Tamblin
Mr. Burch	Mr. Fuller	Mr. Treadwell
Mr. Bush	Mr. W. Hall	Mr. Whallon
Mr. Cole	Mr. Hawley	Mr. Williams

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to amend the act entitled, 'An act to provide for filling vacancies in office,' passed February 3, 1849," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :



## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Lawrence
Mr. Betts	Mr. Cornwell	Mr. Little
Mr. Bokee	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Treadwell
Mr. Brownson	Mr. Geddes	Mr. Whallon
Mr. Burch	Mr. Johnson	Mr. Williams
Mr. Bush		

19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to pay Joshua B. Van Deusen certain sums of money for fines, costs and expenses paid by him in consequence of taking Barney Hiers, an escaped convict," was read the third time and lost, three-fifths of all the members elected to the Senate not being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Floyd	Mr. Little
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Fuller	Mr. Tamblin
Mr. Cole	Mr. Hawley	Mr. Treadwell
Mr. Colt	Mr. Johnson	Mr. Whallon
Mr. Cook		

19

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act for the prevention of prize or concerted fighting," and after some time spent thereon, Mr. Floyd, from said committee, reported in favor of the passage of the same with an amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to incorporate the Niagara Falls Bridge Company," and after some time spent thereon, Mr. Martin, from said committee, reported progress, and asked for and obtained leave to sit again.

By unanimous consent,

The bill entitled, "An act to confirm the official acts of Benjamin T. Miller, late sheriff of Broome county," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. Lawrence
Mr. Bokee	Mr. Fine	Mr. Little

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Mr. Bond	Mr. Fox	Mr. Martin	
Mr. Brownson	Mr. Geddes	Mr. Tamblin	
Mr. Burch	Mr. S. H. P. Hall	Mr. Treadwell	
Mr. Cole	Mr. Hawley	Mr. Whallon	
Mr. Colt	Mr. Johnson	Mr. Williams	21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent,

Mr. Williams made a report in writing on the bill from the Assembly entitled, "An act authorising the Canal Board to hear and determine the claim of James H. Hooker for loss sustained by the sinking of his canal boat in the Erie canal," which was committed to the committee of the whole.

A bill was received from the Assembly for concurrence entitled, "An act to revise and amend the several acts relating to the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A preamble and resolutions were received from the Assembly for concurrence, in the words following, to wit :

**WHEREAS**, The Congress of the United States did, in 1777, pass a resolution requesting the Governor and Council of the State of New-York to erect a monument of the value of five hundred dollars at the expense of the United States, to the memory of Gen. Nicholas Herkimer, a native of this State, who died of wounds received in vindicating the rights and securing to us the inestimable privileges we now enjoy, and this Legislature cordially responding to the patriotic sentiment contained in the letter conveying to Gov. Clinton the resolution of Congress on that subject ; therefore,

*Resolved*, (if the Senate concur,) "That every mark of distinction shown to the memory of such illustrious men as offer up their lives for the liberty and happiness of their country, reflects real honor on those who pay the tribute, and by holding up to others the prospect of fame and immortality will animate them to tread in the same path."

*Resolved*, (if the Senate concur,) That our Senators in Congress be instructed and our Representatives be requested to adopt such measures as they may deem most expedient for the accomplishment of the patriotic purpose for which this appropriation was made.

*Ordered*, That said resolution be laid on the table.

On motion of Mr. Treadwell, and by unanimous consent,

The bill from the Assembly entitled, "An act to designate the place of holding the annual town meeting of the town of Broome in the county of Schoharie," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Little
Mr. Brownson	Mr. Geddes	Mr. Martin
Mr. Burch	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Bush	Mr. W. Hall	Mr. Whallon
Mr. Cole	Mr. Hawley	Mr. Williams
Mr. Colt		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

And then the Senate adjourned till 11 o'clock to-morrow morning.

## FRIDAY, 11 O'CLOCK A. M., FEBRUARY 9, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Huntington.

The Journal of yesterday was read and approved.

By unanimous consent,

The vote of Mr. Bond was recorded in the negative on the final passage of the bill vesting certain legislative powers in the boards of supervisors.

Mr. Treadwell presented the petition of G. W. Butt for payment as a witness in attending the select committee appointed to investigate the affairs of the Canal Bank," which was referred to the committee on claims.

Mr. Cook presented a memorial against the repeal of a law for the construction of a bridge across the Sacandaga river at Flansburgh Riff, which was referred to the committee on roads and bridges.

Mr. Bush presented the petition of citizens of Niagara Falls for a declaration of the public utility of a railroad from Niagara Falls to Lewiston, which was referred to the committee on railroads.

Mr. Lawrence presented a resolution of the New-York chamber of commerce against a change of the site of the quarantine establishment, which was laid on the table.

Mr. Lawrence presented the petition of residents of New-York city for a tax on foreign insurance companies for the benefit of the fire department, which was committed to the committee of the whole.

Mr. Whallon presented the petition of citizens of Clinton county for a grant to take land to construct the Plattsburg and Montreal railway, intersecting the Boston railroad from Rouse's Point to Ogdensburg," which was referred to the committee on railroads.

Mr. Whallon presented the petition of citizens of Clinton county for a declaration of the public utility of a railway from White Hall to Plattsburg on the west side of Lake Champlain, which was referred to the committee on railroads.

Mr. Tamblin presented the petition of citizens of Jefferson co. for a law for preventing the evils of intemperance, which was referred to the committee on poor laws.

Mr. Bokee presented the petition of the board of trustees of Madison University for an appropriation, which was referred to the committee on literature.

The joint resolutions of the Assembly on the subject of a monument to General Nicholas Herkimer, were read and referred to the committee on militia.

The President laid before the Senate a communication from the Comptroller in relation the funds of the Marine Hospital, which was committed to the committee of the whole.

The President also laid before the Senate a communication from the Comptroller in answer to a resolution of the Senate in relation to the ownership of State stocks, which was laid on the table.

A bill was received from the Assembly for concurrence entitled, "An act to annex a part of the town of Middleburgh to the town of Broome," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Treadwell,

*Ordered*, That said bill do have its third reading.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the western branch of the Schoharie Turnpike to abandon a part of their road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to establish a place for holding the town meeting in the town of Lincklaen," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to incorporate the Life Savings Benevolent Association of New-York," which was committed to the committee of the whole.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act to revise and amend the several acts relating to the city of Brooklyn," which was committed to the committee of the whole.

Mr. Bush, from the committee on commerce and navigation, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act to authorise the further enlargement of the opening in the Albany pier, between the State street and Columbia street bridges," which was committed to the committee of the whole.

*Ordered,* That the amendments to said bill be printed.

Mr. Cole, from the committee on the judiciary, reported a bill entitled, "An act to amend the 133d section of the act to simplify and abridge the practice, pleadings and proceedings of the courts of this State, passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

On motion of Mr. Bush,

The committee on commerce and navigation were discharged from the further consideration of the bill from the Assembly entitled, "An act for the licensing and government of the pilots of the port of New-York, by way of Sandy Hook," and it was referred to a select committee composed of Senators from the 2d, 3d, 4th, 5th and 6th districts.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act to amend an act entitled, 'An act to provide for the election of county treasurers and fix their term of office,'" which was committed to the committee of the whole.

Mr. Williams, from the committee on claims, reported adverse on the petition of John I. Walrath for damages awarded to him by the Canal appraisers in consequence of the diversion of the waters of the Chittenango creek, which report was agreed to.

Thereupon,

*Resolved,* That the prayer of the petitioner be denied.

Mr. Fox gave notice that he would, at an early day, ask leave to introduce a bill to annex part of the town of Stephentown to the town of Nassau in Rensselaer county.

Mr. S. H. P. Hall moved that the Senate do now proceed to reconsider the vote of the Senate rejecting the bill entitled, "An act to exempt from execution the homestead of an householder having a family."

The President put the question upon agreeing to the said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adats  
Mr. Bokee  
Mr. Bond  
Mr. Burch  
Mr. Cook

Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Johnson  
Mr. Lawrence

Mr. Little  
Mr. Martin  
Mr. Whallon  
Mr. Williams

FOR THE NEGATIVE.

Mr. Betts	Mr. Cornwell	Mr. Geddes
Mr. Brownson	Mr. Fine	Mr. Hawley
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Cole	Mr. Fuller	Mr. Treadwell
Mr. Colt		

13

The bill from the Assembly entitled, "An act to pay Joshua B. Van Deusen certain sums of money for fines, costs and expenses paid by him in consequence of taking Barney Hiers, an escaped convict," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Betts	Mr. Cook	Mr. Lawrence
Mr. Bokee	Mr. Fine	Mr. Little
Mr. Brownson	Mr. Floyd	Mr. Martin
Mr. Burch	Mr. Fuller	Mr. Tamblin
Mr. Bush	Mr. Hawley	Mr. Treadwell
Mr. Cole		

19

FOR THE NEGATIVE.

Mr. Cornwell	Mr. Geddes	Mr. S. H. P. Hall
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3

. *Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to amend an act entitled, 'An act for the more effectual protection of the property of married women.'"

The bill from the Assembly entitled, "An act to annex a part of the town of Middleburgh to the town of Broome," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Lawrence
Mr. Betts	Mr. Fine	Mr. Little
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Burch	Mr. Hawley	Mr. Whallon
Mr. Colt	Mr. Johnson	Mr. Williams

18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act for the prevention of prize and concerted fighting," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Lawrence
Mr. Betts	Mr. Fox	Mr. Little
Mr. Bokee	Mr. Fuller	Mr. Martin
Mr. Burch	Mr. Geddes	Mr. Tamblin
Mr. Colt	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cook	Mr. Hawley	Mr. Whallon
Mr. Cornwell	Mr. Johnson	Mr. Williams
Mr. Fine		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act to amend an act entitled, 'An act for the more effectual protection of the property of married women,'" was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Betts	Mr. Floyd	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Little
Mr. Bush	Mr. Fuller	Mr. Martin
Mr. Colt	Mr. Geddes	Mr. Tamblin
Mr. Cook	Mr. Hawley	Mr. Whallon

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Cook, and by unanimous consent,

*Resolved*, That the Senate will hold an afternoon session, at four o'clock this day, for the purpose of considering the bill to amend the charter of the city of Brooklyn.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to incorporate the Niagara Falls Bridge Company," and after some time spent thereon, Mr. Martin, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then took a recess until 4 o'clock P. M.

## 4 O'CLOCK P. M.

The Senate again met.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to revise and amend the several acts relating to the city of Brooklyn," and after some time spent thereon, Mr. Floyd, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

By unanimous consent,

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cook	Mr. Johnson
Mr. Bond	Mr. Cornwell	Mr. Lawrence
Mr. Brownson	Mr. Fine	Mr. Treadwell
Mr. Burch	Mr. Floyd	Mr. Whallon
Mr. Bush	Mr. Geddes	Mr. Williams
Mr. Cole	Mr. W. Hall	

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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
February 9, 1849. }

To the SENATE,—

I have this day approved and signed bills with the following titles, to wit :

"An act to incorporate the trustees of the funds of the Oneida General Conference, and to repeal the act entitled, 'An act to change the name of the corporation of the trustees of the fund of the Genesee Conference,' passed March 24, 1829, and for other purposes," also

"An act to amend the act entitled, 'An act to incorporate the American Baptist Home Mission Society,' passed April 12, 1843."

HAMILTON FISH.

By unanimous consent,

Mr. Treadwell, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An



act to authorise the western branch of the Schoharie Turnpike Road Company to abandon a part of their road."

On motion of Mr. Geddes,

*Ordered*, That said bill do now have its third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to provide for the support of the Marine Hospital, by transferring a portion of the commutation fund for that object," and after some time spent thereon, Mr. Colt, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Whallon,

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. Hawley
Mr. Bokee	Mr. Colt	Mr. Johnson
Mr. Bond	Mr. Cook	Mr. Lawrence
Mr. Brownson	Mr. Fine	Mr. Treadwell
Mr. Burch	Mr. Floyd	Mr. Whallon
Mr. Bush	Mr. W. Hall	Mr. Williams
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

And then the Senate adjourned till 11 o'clock to-morrow morning.

SATURDAY, 11 O'CLOCK A. M., FEBRUARY 10, 1849

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Kennedy.

The Journal of yesterday was read and approved.

Mr. Cornwell presented the petition of Rosetta Follett for a law authorising the courts to grant her a divorce from her husband David N. Follett, in the same manner as though an action had been commenced within six years from the wrong, which was referred to the committee on the judiciary.

Mr. Cornwell also presented the petition of Joseph R. Page and 49 other citizens of Wyoming praying for a legislative mark of approbation to Prof. Morse for bringing into use telegraphic communication, which was referred to a select committee consisting of Messrs. Cornwell, Bond and Betts.

Mr. Bokee presented the petition of Grinnell, Minturn & Co., Howland, Aspinwall and others against any change in the pilot laws, which was referred to a select committee.

Mr. Bush presented the petition of inhabitants of Lewiston for the Lewiston and Niagara Falls railroad, which was referred to the committee on railroads.

Mr. Fuller presented the petition of citizens of Monroe against the repeal of the law in relation to passengers arriving at ports of entry north of Albany, which was committed to the committee of the whole.

Mr. Cole presented the petition of citizens of Orleans county for free schools, which was committed to the committee of the whole.

Mr. Fuller presented the petition of citizens of Black Rock for free schools, which was committed to the committee of the whole.

Mr. Whallon presented the petition of citizens of Ticonderoga for a railway from the termination of the Washington and Saratoga railway at White Hall to Plattsburgh, which was referred to the committee on railroads.

Mr. Whallon also presented the petition of citizens of northern New-York for a railroad from Plattsburgh to Canada, to intersect the great Boston road, which was referred to the committee on railroads.

Mr. Fine presented the petition of the judge and several of the bar and other citizens of Franklin county for a law to transcribe the docket of judgments and for new indexes, which was referred to the committee on the judiciary.

Mr. Johnson presented the petition of Peter Wilson and John Cook, delegates of the Seneca nation of Indians, praying for an appropriation for the purchase of a press to be located upon the Cattaraugus reservation, which was referred to the committee on Indian affairs.

Mr. Johnson presented the petition of citizens of Erie and Chautauque in relation to the late law for erecting a bridge across the Cattaraugus creek at Upper Irving, which was referred to the committee on roads and bridges.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of a bill from the Assembly entitled, "An act to establish a place for holding the town meeting in the town of Lincklaen for the year 1849."

On motion of Mr. S. H. P. Hall,

*Ordered*, That said bill do have its third reading.

Mr. S. H. P. Hall, from the committee on state prisons, reported a bill entitled, "An act making appropriations for the Western House of Refuge," which was read the first time, and by unanimous

consent was also read the second time, and committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on state prisons, reported a bill entitled, "An act fixing the fees of sheriffs for transporting convicts to the State prisons and houses of refuge," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

The President laid before the Senate a communication from the clerk of the court of appeals in answer to a resolution of the Senate.

On motion of Mr. Fuller,

Said communication was referred to a select committee consisting of Messrs. Fuller, Whallon and Brownson.

Mr. Burch, from the committee on commerce and navigation, reported a bill entitled, "An act to incorporate the Buffalo Dry Dock and Marine Railway Company," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. W. Hall, from the committee on the militia, reported in favor of the passage of the following concurrent resolutions, which were committed to the committee of the whole, to wit:

WHEREAS, The Congress of the United States did, in 1777, pass a resolution requesting the Governor and Council of the State of New-York to erect a monument of the value of five hundred dollars at the expense of the United States, to the memory of Gen. Nicholas Herkimer, a native of this State, who died of wounds received in vindicating the rights and securing to us the inestimable privileges we now enjoy, and this Legislature cordially responding to the patriotic sentiment contained in the letter conveying to Gov. Clinton the resolution of Congress on that subject; therefore,

*Resolved*, (if the Senate concur,) "That every mark of distinction shown to the memory of such illustrious men as offer up their lives for the liberty and happiness of their country, reflects real honor on those who pay the tribute, and by holding up to others the prospect of fame and immortality will animate them to tread in the same path."

*Resolved*, (if the Senate concur,) That our Senators and Representatives in Congress be requested to adopt such measures as they may deem most expedient for the accomplishment of the patriotic purposes for which this appropriation was made.

A resolution was received from the Assembly in the words following, to wit:

*Resolved*, (if the Senate concur) That the Secretary of state be authorised to appoint not more than three persons to attend the examinations of the New-York Institution for the blind, and to examine into the condition of said institution, at any time under the direction of the Secretary of state.

Mr. Bush asked for and obtained leave to introduce a bill entitled, "An act to amend chapter 214 of the laws of 1842," which

was read the first time, and by unanimous consent was also read the second time, and referred to the committee on poor laws.

On motion of Mr. Cole,

The committee of the whole was discharged from the further consideration of the bill entitled, "An act to abolish the mayor's court of the city of Rochester," and it was referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the members of the East Genesee Annual Conference of the Methodist Episcopal Church," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the Panama Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the supervisors of Montgomery county to contract with the supervisors of the county of Albany to keep certain persons in the penitentiary of Albany county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to correct the text books in the Comptroller's office, and authorising extracts from records in his office to be taken therefrom and read as evidence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the supervisors of Monroe county to purchase or build a surrogate office and county treasurer's office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Geddes, and by unanimous consent,

The bill from the Assembly entitled, "An act to authorise the western branch of the Schoharie Turnpike Road Company to abandon a part of their road," was amended as follows:

§ 4. The second and third section of the act passed the twenty-ninth day of March, 1848, relative to said road, shall also apply to the inhabitants of the towns of Seward and Sharon.

Said corporation shall not hereafter be compelled to keep the bed or traveled part of said road over twenty feet wide, nor the bridges over fifteen feet wide.

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Johnson
Mr. Bokee	Mr. Cook	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Fuller	Mr. Tamblin
Mr. Burch	Mr. Geddes	Mr. Whallon
Mr. Bush	Mr. Hawley	Mr. Williams
Mr. Cole		

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same with the amendments therewith delivered.

The bill from the Assembly entitled, "An act to establish the place for holding the town meeting in the town of Lincklaen for the year 1849," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. S. H. P. Hall
Mr. Bokee	Mr. Cook	Mr. W. Hall
Mr. Bond	Mr. Fine	Mr. Hawley
Mr. Brownson	Mr. Floyd	Mr. Lawrence
Mr. Burch	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. Geddes	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to incorporate the Niagara Falls Bridge Company," and Mr. Martin, from said committee, reported that the committee had stricken out the enacting clause of said bill.

The question being on agreeing with the report of the committee of the whole,

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to repeal an act relating to road district No. 2 in Persia, Cattaraugus county," and after some time spent thereon, Mr. S. H. P. Hall, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to fix the time for

holding the annual town meetings in the town of Carrolton in the county of Cattaraugus," and after some time spent thereon, Mr. Whallon, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to aid in repairing and improving the road leading from the state road in North Hudson to Mill creek in the town of Moriah," and after some time spent thereon, Mr. Brownson, from said committee, reported in favor of the passage of the same without amendment.

*Ordered,* That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to the Cypress Hill Cemetery," and after some time spent thereon, Mr. Hawley, from said committee, reported in favor of the passage of the same without amendment.

*Ordered,* That the said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to confirm the official acts of Henry G. Button, a justice of the peace in the town of Westfield," and after some time spent thereon, Mr. Whallon, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

A bill was received from the Assembly for concurrence entitled, "An act to annex a part of the town of Canajoharie to the town of Minden," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to pay Enos Steel for constructing a ditch from Skajaquady to Cornelius creeks and bridges over the same, and straightening and improving Cornelius creek in the town of Black Rock," and after some time spent thereon, Mr. Bond, from said committee, reported progress, and asked for and obtained leave to sit again.

By unanimous consent,

Mr. Cole presented the petition of trustees of the village of Albion for an amendment in the charter of said village.

By unanimous consent,

Mr. Cole introduced a bill entitled, "An act to amend the act entitled, 'An act to condense the several acts relating to the village of Albion,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

And then the Senate adjourned till Monday morning at 11 o'clock.

MONDAY, 11, O'CLOCK A. M., FEBRUARY 12, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Barry.

The Journal of Saturday was read and approved.

Mr. Bond presented the petition of citizens of Keersville against the abolition of capital punishment, which was committed to the committee of the whole.

Mr. Fine, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act to transcribe the docket of judgments and for making new indexes of deeds and mortgages in Franklin county," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Williams, from the committee on claims, reported adverse on the petition of G. W. Bull for compensation for attendance as witness before the select committee on the affairs of the Canal Bank, which report was agreed to.

Thereupon,

*Resolved*, That the prayer of the petitioner be denied.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the supervisors of the county of Montgomery to contract with the supervisors of the county of Albany to keep certain persons in the Penitentiary of Albany county," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the supervisors of Monroe county to purchase or build a surrogate's and county county treasurer's office," which was committed to the committee of the whole.

The President laid before the Senate a communication from the clerk of the court of appeals in answer to a resolution of the Senate of the 8th inst., which was referred to the select committee heretofore appointed.

By unanimous consent,

Mr. Bond introduced a bill entitled, "An act to amend an act entitled, 'An act to incorporate the city of Oswego,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

Mr. Boker gave notice that, on a future day, he would ask leave to introduce a bill to establish courts of civil and criminal jurisdiction in the city of Brooklyn.

Mr. Bond gave notice that he would, at an early day, ask leave to introduce a bill to amend the act for the incorporation of benevolent societies, &c.

On motion of Mr. Bond,

*Resolved*, That the Clerk of the Senate be authorised to purchase and furnish for the use of the Senate, 500 copies of the annual address delivered before the New-York State Medical Society and members of the Legislature at the capitol, February 6, 1849, by Alexander H. Stevens, M. D., president of the society.

On motion of Mr. Burch,

The Senate proceeded to the consideration of the following resolutions heretofore received from the Assembly, to wit :

*WHEREAS*, The Congress of the United States did, in 1777, pass a resolution requesting the Governor and Council of the State of New-York to erect a monument of the value of five hundred dollars at the expense of the United States, to the memory of Gen. Nicholas Herkimer, a native of this State, who died of wounds received in vindicating the rights and securing to us the inestimable privileges we now enjoy, and this Legislature cordially responding to the patriotic sentiment contained in the letter conveying to Gov. Clinton the resolution of Congress on that subject ; therefore,

*Resolved*, (if the Senate concur,) "That every mark of distinction shown to the memory of such illustrious men as offer up their lives for the liberty and happiness of their country, reflects real honor on those who pay the tribute, and by holding up to others the prospect of fame and immortality will animate them to tread in the same path."

*Resolved*, (if the Senate concur,) That our Senators and Representatives in Congress be requested to adopt such measures as they may deem most expedient for the accomplishment of the patriotic purposes for which this appropriation was made.

The President put the question upon agreeing to the said resolutions, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolutions to the Assembly, with a message informing that the Senate have concurred therein.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act to aid in improving and repairing the road leading from the state road in North Hudson to Mill Brook in the town of Mohrah," also

"An act in relation to the Cypress Hill Cemetery."

Mr. Cornwell moved to reconsider the vote rejecting the bill entitled, "An act to incorporate the Niagara Falls Bridge Company," which was laid on the table.

Leave of absence was granted to Mr. Treadwell for 7 days.

By unanimous consent,

Mr. Geddes presented the petition of the trustees of Fabius select school for an act to sell their school house, which was referred to the committee on literature.



On motion of Mr. Geddes,

The papers on this subject which were presented to the Legislature at the last session, were ordered referred to the same committee.

The bill from the Assembly entitled, "An act to repeal an act relating to road district No. 2 in Persia, Cattaraugus county," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Johnson
Mr. Brownson	Mr. Fuller	Mr. Lawrence
Mr. Burch	Mr. Geddes	Mr. Martin
Mr. Colt	Mr. S. H. P. Hall	Mr. Tamblin

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to fix the time and place of holding the annual town meetings in the town of Carrolton in the county of Cattaraugus," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Johnson
Mr. Brownson	Mr. Floyd	Mr. Lawrence
Mr. Burch	Mr. Fuller	Mr. Martin
Mr. Cole	Mr. Geddes	Mr. Tamblin
Mr. Colt	Mr. S. H. P. Hall	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act in relation to the Cypress Hill Cemetery," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson

Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Cole	Mr. Fuller	Mr. Tamblin
Mr. Colt	Mr. Geddes	Mr. Williams
Mr. Cook	Mr. W. Hall	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to pay Enos Steel for constructing a ditch from Skajaquady creek to Cornelius creek and bridges over the same, and for straightening and deepening Cornelius creek in the town of Black Rock," and after some time spent thereon, Mr. Bond, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act making appropriations in part for the expenses of government for the fiscal year commencing October 1, 1848, and for other purposes," and after some time spent thereon, Mr. Adams, from said committee, reported in favor of the passage of the same with amendments, which report was agreed to.

On motion of Mr. Lawrence,

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. W. Hall
Mr. Boker	Mr. Fine	Mr. Hawley
Mr. Bond	Mr. Floyd	Mr. Johnson
Mr. Brownson	Mr. Fox	Mr. Lawrence
Mr. Burch	Mr. Fuller	Mr. Martin
Mr. Cole	Mr. Geddes	Mr. Tamblin
Mr. Colt	Mr. S. H. P. Hall	Mr. Williams
Mr. Cook		22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A bill was received from the Assembly for concurrence entitled, "An act for the more effectual prevention of fires in the city of New-York, and to amend the acts heretofore passed for that purpose," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act authorising the appraisal and payment of canal damages to Matthew Sayre," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act to authorise the western branch of the Schoharie Turnpike Road Company to abandon a part of their road."

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act establishing free education throughout the State," and after some time spent thereon, Mr. Bokee, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend an act entitled, 'An act to organise the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane,' passed April 7, 1842," and after some time spent thereon, Mr. Tamblin, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Bokee,

The committee on the incorporation of cities and villages were discharged from the further consideration of the bill for the more effectual prevention of fires in the city of New-York, and it was referred to the Senators from the 3d, 4th, 5th and 6th senatorial districts.

Leave of absence was granted to Mr. Betts for one week.

On motion of Mr. S. H. P. Hall,

*Resolved*, That the Comptroller be, and he is hereby requested, to report to the Senate the amount now on loan in each of the counties of this State in charge of the commissioners of loans; also whether there are any deficiencies or defalcations, and if any, where and in what years, and under whom such deficiencies accrued; also whether any and what portions of said loans are now in process of collection; also whether any and what measures, if any, have been taken, or are in progress relative to such commissioners, if any, as have failed to account for the moneys which came to their hands and for which they have not satisfactorily accounted.

And then the Senate adjourned till 11 o'clock to-morrow morning.

**TUESDAY, 11 O'CLOCK A. M., FEBRUARY 13, 1849.**

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Kip.

The Journal of yesterday was read and approved.

Mr. Fox presented the remonstrance of 86 citizens of Schodack against any division of said town, which was committed to the committee of the whole.

Mr. Whallon presented four petitions for the construction of the Plattsburg and Montreal railroad, which were referred to the committee on railroads.

Mr. Cole presented six petitions in favor of free schools, which were committed to the committee of the whole.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill entitled, "An act to amend the charter of the village of Albion," which was committed to the committee of the whole.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor of the passage of a bill entitled, "An act to amend the charter of the city of Oswego," which was committed to the committee of the whole.

Mr. Lawrence, from the committee on finance, to which was referred the communication of the Comptroller on that subject, reported a bill entitled, "An act making appropriation for the payment of charges and expenses for the removal of wrecks from the Albany basin," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Fox, from the committee on the erection and division of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to annex a part of the town of Canajoharie to the town of Minden," which was committed to the committee of the whole.

A bill was received from the Assembly for concurrence entitled, "An act to amend the charter of the city of New-York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

Mr. W. Hall, from the select committee, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act for the more effectual prevention of fires in the city of New-York, and to amend the acts heretofore passed for that purpose," which was committed to the committee of the whole.

On motion of Mr. Bokee,

*Resolved*, That the select committee heretofore appointed to investigate the affairs and condition of the Canal Bank, be and are hereby authorised to designate one of their number to examine and take the testimony of such witnesses, and at such places other than the city of Albany as they may deem necessary, and that the member so designated shall be a committee of the Senate for the purpose of taking such testimony, and he is authorised to sit during the sessions of this body as may be necessary for such purpose.

On motion of Mr. Cole,

*Resolved*, That the president and secretary of each of the several mutual insurance companies in this State, report on oath to the Senate, on or before the first day of March next, the number of policies of insurance issued by such company from the first day of January, 1848, to the first day of January, 1849, and also the amount of per centage or premium paid thereon; also the amount of losses paid or allowed and the amount unliquidated, during the same period; and also the whole amount of the expenses of said company during the same period; and also stating the items of such expenses, and whether the officers of said company, or any of them, or any persons employed by them in their business, are allowed and paid a stipulated annual salary, and if so, how much is paid to each; and whether any of them are paid an additional compensation in perquisites or fees, and if so, how much; and if no such stipulated annual salary is paid, then stating how much is paid to the president or other officer for signing each policy of insurance, and how much for other services, and for what services; stating, also, how much the secretary is paid or receives for each policy issued, and how much for other services and for what services; and stating, also, what portion, if any, of the amount which the secretary is paid or receives is paid by each applicant for insurance, or by the members of the company, and how much thereof is paid out of the funds of the company; stating, also, how much is paid to the directors or other officers for examining each application for insurance, and how much is paid to the directors, and each of them, for other services, and for what services: stating, also, how much the agents of said company are paid or receive on or for each application for insurance, and what portion thereof is paid to such agents by each applicant for insurance, and what portion, if any, is paid out of the funds of the company; stating, also, how much is paid to the treasurer, and stating, also, whether there is any deputy secretary, clerk, general agent, or any other officers or persons employed by said company or engaged in the transaction of its business, and if so, the nature of their respective duties and the amount of compensation allowed and paid to each.

*Resolved*, That the clerk of the Senate cause a copy of this resolution to be sent to each of the several mutual insurance companies in this State.

The Senate then proceeded to the consideration of the following resolution, heretofore received from the Assembly, to wit:

*Resolved*, (if the Senate concur) That the Secretary of state be authorised to appoint not more than three persons to attend the examinations of the New-York Institution for the blind, and to examine into the condition of said institution, at any time under the direction of the Secretary of state.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred therein.

On motion of Mr. Williams,

The bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals," was made the special order for this day, at one o'clock.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to amend an act entitled, 'An act to organise the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane,' passed April 7, 1842."

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams *	Mr. Cornwell	Mr. W. Hall
Mr. Bokee	Mr. Fine	Mr. Hawley
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Cole	Mr. Geddes	Mr. Whallon
Mr. Colt	Mr. S. H. P. Hall	Mr. Williams
Mr. Cook		

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to aid in repairing and improving the road leading from the state road in North Hudson to Mill Brook in the town of Moriah," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Lawrence
Mr. Brownson	Mr. Floyd	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Williams

21

**Ordered,** That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to confirm the official acts of Henry G. Button, a justice of the peace in the town of Westville," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Bokee	Mr. Cook	Mr. W. Hall
Mr. Bond	Mr. Cornwell	Mr. Lawrence
Mr. Brownson	Mr. Fine	Mr. Martin
Mr. Burch	Mr. Floyd	Mr. Whallon
Mr. Cole	Mr. Fox	Mr. Williams
		18

**Ordered,** That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

In pursuance of previous notice,

Mr. Bokee asked for and obtained leave to introduce a bill entitled, "An act to establish courts of civil and criminal jurisdiction in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act establishing free education throughout the State," and after some time spent thereon, Mr. Bokee, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to pay Enos Steel for constructing a ditch from Skajaquady to Cornelius creeks and bridges over the same, and straightening and improving Cornelius creek in the town of Black Rock," and after some time spent thereon, Mr. Bond, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then proceeded to the consideration of executive business.

When the executive session was closed,

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to pay Enos Steel for constructing a ditch from Skajaquady creek to Cornelius creek and bridges over the same, and for straightening and deepening Cornelius creek in the town of Black Rock," and after some time spent thereon, Mr. Bond, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals," and after some time spent thereon, Mr. Tamblin, from said committee, reported progress, and asked for and obtained leave to sit again.

A resolution was received from the Assembly for concurrence relative to immigrants arriving at the port of New-York, which was laid on the table.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the Canal Commissioners to change, at two points, the line of the Chemung canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to authorise the formation of the Niagara Falls House Company, passed March 24, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act relating to a street called Mary street in the fifth ward of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled, 'An act to provide for the appraisal of canal damages of John Niles, caused by the Kingsley brook reservoir,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to declare the public use of a railroad from Auburn to Binghamton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled, "An act in relation to the Cypress Hill Cemetery."

*Ordered,* That said bill be transmitted to the Governor.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act making appropriations in part for the expenses of government for the fiscal year commencing October 1, 1848, and for other purposes," with a further amendment.

And then the Senate adjourned till 11 o'clock to-morrow morning.



WEDNESDAY, 11 O'CLOCK A. M., FEBRUARY 14, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Lowry.

The Journal of yesterday was read and approved.

Mr. Fox presented a remonstrance against a division of the town of Nassau, which was committed to the committee of the whole.

Mr. Johnson presented a petition for an amendment of the law for building a bridge over the Cattaraugus creek at Upper Irving, which was referred to the committee on roads and bridges.

Mr. Whallon presented two petitions of citizens of northern New-York for a railway from White Hall to Plattsburg, there to connect with the road to Montreal, which were referred to the committee on railroads.

Mr. Williams, from the committee on claims, reported adverse to the passage of the bill from the Assembly entitled, "An act to authorise the appraisal and payment of canal damages to John E. Van Eps," which was committed to the committee of the whole.

Mr. Johnson, from the committee on railroads, reported in favor of the passage, with amendment, of the bill from the Assembly entitled, "An act to incorporate the Panama Railroad Company," which was committed to the committee of the whole.

Mr. Fine, from the committee on the judiciary, to which was referred the petition for that purpose, reported a bill entitled, "An act for the suppression of gambling," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to declare the validity of the election of Ebenezer W. Peck as county treasurer of the county of Kings and fix his term of office," which was committed to the committee of the whole.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act making appropriations in part for the expenses of government for the year ending October 1, 1848," with an amendment to the amendments of the Senate, striking out the words "eight hundred," and inserting the words "thirteen hundred."

Mr. Lawrence moved that the Senate do concur in said amendment.

The President put the question upon agreeing to the said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

[r. Adams	Mr. Cornwell	Mr. Hawley
[r. Bokee	Mr. Fine	Mr. Johnson
[r. Bond	Mr. Floyd	Mr. Lawrence
[r. Brownson	Mr. Fox	Mr. Martin
[r. Cole	Mr. Geddes	Mr. Whallon
[r. Colt	Mr. S. H. P. Hall	Mr. Wilkin
[r. Cook	Mr. W. Hall	Mr. Williams

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment thereto.

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to correct the tax books in the Comptroller's office, and authorising extracts from records in his office to be taken therefrom and read as evidence," which was committed to the committee of the whole.

By unanimous consent,

Mr. Geddes presented the petition of inhabitants of Onondaga for law authorising the Tully Plank Road Company to construct a ranch from their road to South Onondaga, which was committed to the committee of the whole.

Mr. Geddes gave notice that he would ask leave, at an early day, to introduce a bill to amend an act entitled, "An act in relation to the business of mutual insurance companies."

On motion of Mr. Lawrence,

*Resolved*, That the proposed joint resolution transmitted by the Assembly to the Senate, which relates to a decision of the supreme court of the United States, adjudging certain taxes or payments imposed by this State to be unconstitutional and void, be referred to the Comptroller and the Attorney General, with instructions to report to the Senate what measures ought to be adopted to protect the people of this State from the introduction among them of disease and pauperism from foreign countries, and from public burdens consequent upon such introduction.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to pay Enos Steel for constructing a ditch from Skajaquady to Cornelius creek, with bridges over the same, and straightening and deepening Cornelius creek in the village of Black Rock."

Said bill was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Fine	Mr. Hawley
Mr. Bond	Mr. Floyd	Mr. Johnson
Mr. Brownson	Mr. Fox	Mr. Lawrence
Mr. Cole	Mr. Geddes	Mr. Martin
Mr. Colt	Mr. W. Hall	Mr. Whallon
Mr. Cook		

## FOR THE NEGATIVE.

Mr. Adams  
Mr. S. H. P. Hall

Mr. Wilkin

Mr. Williams

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Mr. Cole moved a reconsideration of said vote, which motion was laid on the table.

The President laid before the Senate a report from the Comptroller in answer to a resolution of the Senate relative to the amounts paid by foreign insurance companies into the State Treasury, which was committed to the committee of the whole.

Mr. Lawrence moved that five times the usual number of said report be printed, which was referred to the committee on public printing.

Mr. Cook offered for the consideration of the Senate the following resolution :

*Resolved*, (if the Assembly concur,) That whenever an extra number of copies of any document are ordered to be printed, 60 copies in addition to the number so ordered, be printed for the use of the Governor of this State.

*Ordered*, That said resolution lie upon the table.

Mr. Geddes offered for the consideration of the Senate the following resolution :

*Resolved*, (if the Assembly concur,) That permission be given to Doctor Ebenezer Emmons to publish, at his own expense, such extracts from, or abridgment of his report on agriculture, which is a part of the Natural History of this State, as he shall judge proper.

*Ordered*, That said resolution be laid on the table.

Leave of absence was granted to Mr. Little for 7 days.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals," and after some time spent thereon, Mr. Whallon, from said committee, reported progress, and asked for and obtained leave to sit again.

*Ordered*, That the amendments to said bill, offered in committee of the whole, be printed.

A resolution was received from the Assembly in the words following, to wit :

*Resolved*, (if the Senate concur,) That the Secretary of State be, and he is hereby directed, to cause to be printed, for the use of the Legislature, in a suitable form, the minutes of council, and such other official records in his office, prior to the revolution, as he may select ; also to procure the Dutch and French records to be translated, and when translated, published as aforesaid ; that there be printed of such papers twenty times the usual number of copies as are required to be printed of Legislative documents, and in addition thereto 1,000 copies for the use of the Regents of the University, to be used for the purpose of literary exchanges, and two hundred copies for the Secretary's office.

*Ordered*, That said resolution be referred to the committee on literature.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to establish free education throughout the State," and after some time spent thereon, Mr. Bokee, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend an act entitled, 'An act to extend Third street in the village of Jamestown to Second street,' passed April 10, 1848," and after some time spent thereon, Mr. W. Hall, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to provide for the completion of the Normal School building," and after some time spent thereon, Mr. Fox, from said committee, reported progress, and asked for and obtained leave to sit again.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the Buffalo Waterworks Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled, 'An act in relation to the keeping of gunpowder, saltpetre, and certain other substances in the city of New-York,' passed May 13, 1846," which was read the first time, and by unanimous consent was also read the second time, and referred to a select committee consisting of Senators from the 3d, 4th, 5th and 6th districts.

A bill was received from the Assembly for concurrence entitled, "An act to appoint commissioners to lay out a road in the towns of Gravesend, New Utrecht and Flatbush," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the supervisors of Oswego county to make certain assessments," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act providing for the payment of interest on canal damages to John C. Van Alstine," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to establish free schools in district No. 3 in the town of Flushing, passed March 10, 1848," which was read

the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act concerning the district attorney of the county of Albany, passed February 21, 1840," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to authorise Benjamin T. James and James L. Schultz to establish and maintain a ferry across the Hudson River from Piermont to the opposite shore in Westchester county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to regulate the salary of the district attorney of the county of Columbia," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to alter and settle the east line of the town of North Hudson, Essex county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Cook,

The bill to amend the act to authorise the business of banking, was made the special order for Tuesday the 20th inst., at 1 P. M.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act regulating the compensation of executors and administrators," and after some time spent thereon, Mr. Hawley, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act authorising the payment to John Cammerdon of a sum of money for giving information of an escheat," and after some time spent thereon, Mr. Colt, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend section 15, article 1, title 4, chapter 8, part 3 of the Revised Statutes," and Mr. Adams, from said committee, reported in favor of the passage of the same with the title thereof altered so as to read as follows: "An act to extend the remedies at law against foreign insurance companies."

Mr. Floyd moved to amend said bill by adding after the word "brought" in the first line of the first section the words "in all courts in which natural persons may be sued," and to strike out all after said word "brought," to and including the word "New-York" in the third line.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Bokee  
Mr. Brownson  
Mr. Fine

Mr. Floyd  
Mr. Hawley

Mr. Whallon  
Mr. Williams

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## FOR THE NEGATIVE.

Mr. Adams  
Mr. Cole  
Mr. Colt  
Mr. Cook  
Mr. Fox

Mr. Fuller  
Mr. Geddes  
Mr. S. H. P. Hall  
Mr. W. Hall

Mr. Johnson  
Mr. Lawrence  
Mr. Martin  
Mr. Wilkin

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The report of the committee was then agreed to, and said bill ordered to a third reading.

Leave of absence was granted to Mr. W. Hall for 5 days.

And then the Senate adjourned till 11 o'clock to-morrow morning.

## THURSDAY, 11 O'CLOCK A. M., FEBRUARY 15, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Kip.

The Journal of yesterday was read and approved.

Mr. Whallon presented the remonstrance of citizens of North Hudson against any alteration of the line of said town, which was referred to the committee on the erection and division of towns and counties.

Mr. Whallon presented two petitions of citizens of Clinton and Essex counties for a railroad from Plattsburgh to the Canada line, which were referred to the committee on railroads.

Mr. Whallon also presented the petition of citizens of Clinton and Essex county for a railroad from White Hall to Plattsburg, which was referred to the committee on railroads.

Mr. Coffin presented the petition of sundry inhabitants of the county of Dutchess for a law to prohibit the sale of ardent spirits, which was referred to the select committee on that subject.

Mr. Coffin also presented the petition of the trustees of the Hudson Orphan Asylum and Relief Association for aid, which was referred to the committee on charitable and religious societies.

Mr. Clark presented the petition of Arnold Mann and others, directors of the Utica and Waterville Plank Road Company for liberty to lay out a plank road three rods wide, which was referred to the committee on roads and bridges.

Mr. Fox presented the remonstrance of 64 citizens of Schodack against any division of said town, which was committed to the committee of the whole.

Mr. Clark presented the petition of the Medical Institution of Geneva College for the continuance of an appropriation to that institution, which was referred to the committee on literature.

Mr. Clark presented the memorial of N. H. Derring for lectures in female seminaries, which was referred to the committee on literature.

Mr. Coffin presented the petition of Wesley Stark to have his official acts as justice of the peace confirmed, which was referred to committee on the judiciary.

Mr. Floyd presented the petition of the association for the benefit of colored orphans in the city of New-York, which was referred to the committee on literature.

Mr. Clark presented the petition of Lydia Harden for payment of \$158.92 and interest from April 7, 1848, which was referred to the committee on Indian affairs.

Mr. Johnson presented the memorial of Hartwell Carver respecting a railroad from the Mississippi to the Pacific, which was referred to the committee on railroads.

Mr. Brownson presented the remonstrance of citizens of the town of Sheldon against the division of said town, which was referred to the committee on the erection and division of towns and counties.

Mr. Cook presented the petition of Gerrit Vischer for the appraisal of certain damages done him by the enlargement of the Erie canal, which was referred to the committee on claims.

Mr. Martin presented the remonstrance of the supervisor and commissioners of highways of Hanover against the repeal of an act to provide for the construction of a bridge at Upper Irving, which was referred to the committee on roads and bridges.

Mr. Wilkin presented the petition of citizens of Mount Hope for the passage of a law relative to their town records destroyed by fire, which was referred to the committee on the judiciary.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act requiring chattel mortgages to be registered," which was committed to the committee of the whole.

Mr. Williams, from the committee on claims, reported adverse on the petition of William L. Geer for damages occasioned by the construction of the Erie canal, which report was agreed to.

Thereupon,

*Resolved*, That the prayer of the petitioner be denied.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill entitled, "An act in relation to common schools in the village of Medina," which was committed to the committee of the whole.

Mr. Brownson, from the committee on public printing, reported in favor of printing the usual number of the report of the Comptroller on the subject of payments made into the treasury by foreign insurance companies, and 100 for the use of the Comptroller.

Mr. Lawrence moved to amend said report so that it should read "five times the usual number."

The President put the question upon agreeing to the said amendment, and it was decided in the negative.

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Bond, from the committee on literature, reported in favor of the passage of the following resolution heretofore received from the Assembly, to wit :

*Resolved*, (if the Senate concur,) That the Secretary of State be, and he is hereby directed, to cause to be printed, for the use of the Legislature, in a suitable form, the minutes of council, and such other official records in his office, prior to the revolution, as he may select ; also to procure the Dutch and French records to be translated, and when translated, published as aforesaid ; that there be printed of such papers twenty times the usual number of copies as are required to be printed of Legislative documents, and in addition thereto 1,000 copies for the use of the Regents of the University, to be used for the purpose of literary exchanges, and two hundred copies for the Secretary's office.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act in relation to the keeping of gunpowder, saltpetre, and certain other substances in the city of New-York, passed May 13, 1846," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act to authorise the formation of the Niagara Falls House Company, passed March 24, 1848," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of a bill from the Assembly entitled, "An act to incorporate the Buffalo Waterworks Company," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly, entitled, "An act to authorise the board of supervisors of



Oswego county to make certain assessments," which was committed to the committee of the whole.

Mr. Cook, from the committee on banks and insurance companies, reported in favor of the passage of the bill from the Assembly entitled, "An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to alter and settle the east line of the town of North Hudson, Essex county," which was committed to the committee of the whole.

On motion of Mr. Whallon,

The committee of the whole were discharged from the consideration of said bill, and it was referred to the committee on the erection and division of towns and counties.

In pursuance of previous notice,

Mr. Cole asked for and obtained leave to introduce a bill entitled, "An act concerning monies received for excise duty in the county of Orleans," which was read the first time, and by unanimous consent was also read the second time, and referred to a select committee.

In pursuance of previous notice,

Mr. Johnson asked for and obtained leave to introduce a bill entitled, "An act in relation to partnership styles," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Johnson, from the committee on railroads, reported in favor of the passage of the bill entitled, "An act to amend an act to authorise the formation of railroad corporations," which was committed to the committee of the whole.

Mr. Fuller laid before the Senate the report of the superintendents of the poor of Monroe county, pursuant to the act concerning passengers arriving at ports of entry, to the State Legislature, which was referred to the committee on commerce and navigation.

Mr. Bond gave notice that he would, at some future day, ask leave to introduce a bill to repeal an act in relation to the Madison University, passed April 3, 1848.

On motion of Mr. Cook,

The Senate then proceeded to the consideration of the following resolution :

*Resolved*, (if the Assembly concur,) That whenever an extra number of copies of any document are ordered to be printed, 60 copies in addition to the number so ordered, be printed for the use of the Governor of this State.

Mr. Cook then offered the following as a substitute for said resolution :

*Resolved*, (if the Assembly concur,) That the 15th joint rule be amended by adding thereto the following words: "Whenever an extra number of any document are ordered to be printed, 60 copies

in addition to the number so ordered be printed for the use of the Governor of this State."

The President put the question upon agreeing to said substitute, and it was decided in the affirmative.

The President put the question upon agreeing to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk deliver a copy of said resolution to the Assembly, and request their concurrence therein.

By unanimous consent,

Mr. Clark introduced a bill entitled, "An act in relation to the Utica Female Academy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

Mr. Wilkin gave notice that he would, at some future day, ask for leave to introduce a bill amendatory of the act entitled, "An act in respect to the funds and securities in possession of the clerk of the court of appeals."

The following message was received from the Governor:

EXECUTIVE CHAMBER, }  
February 14, 1849.

To the SENATE,—

I have this day approved and signed bills with the following titles, to wit:

"An act in relation to the Cypress Hill Cemetery," also

"An act releasing the interest of the State in the property of St. James Church in Saratoga county, to the wardens and vestry of Christ Church in the town of Milton, Saratoga county."

HAMILTON FISH.

The bill entitled, "An act authorising the payment of a sum of money to John Camerton for giving information of an escheat," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Bokee  
Mr. Bond  
Mr. Brownson  
Mr. Coffin  
Mr. Cole  
Mr. Colt  
Mr. Cook

Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Fuller  
Mr. Geddes  
Mr. S. H. P. Hall  
Mr. Hawley

Mr. Johnson  
Mr. Lawrence  
Mr. Martin  
Mr. Tamblin  
Mr. Whallon  
Mr. Wilkin  
Mr. Williams

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to pay Enos Steel for constructing a ditch from Skajaquady to Cornelius creeks and bridges over the same, and deepening and straightening Cornelius creek in the town of Black Rock," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cook	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Lawrence
Mr. Brownson	Mr. Floyd	Mr. Martin
Mr. Clark	Mr. Fox	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. Geddes	Mr. Wilkin

21

*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to extend the remedies at law against foreign insurance companies," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Fuller	Mr. Tamblin
Mr. Coffin	Mr. Geddes	Mr. Wilkin
Mr. Colt		

19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to amend an act entitled, 'An act to extend Third street in the village of Jamestown, east to Second street,' passed 1848," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Brownson	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. Geddes	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	Mr. Williams

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A bill was received from the Assembly for concurrence entitled, "An act for the appraisal and payment of damages of Benjamin Wadsworth in the construction of the Eaton brook reservoir," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to divide the town of Shandaken and to erect the town of Denning in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the appraisal and payment of canal damages to George W. Manchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act further to amend the act to incorporate the Buffalo and Hamburg Turnpike Company, passed January 23, 1830," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to regulate the expenditure of the highway tax in parts of Essex, Hamilton and Warren counties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Williams, from the committee on claims, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act to amend an act entitled, 'An act to provide for the appraisal of canal damages to John Niles, caused by the Kingsley brook reservoir,' which was committed to the committee of the whole.

Mr. Tamblin, from the committee on canals, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the Canal Commissioners to change, at two points, the line of the Chemung canal," which was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals," and after some time spent thereon, Mr. Whallon, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Geddes,

The Senate then proceeded to the consideration of the following resolution :

*Resolved*, (if the Assembly concur,) That permission be given to Doctor Ebenezer Emmons to publish, at his own expense, such extracts from, or abridgment of his report on agriculture, which is a part of the Natural History of this State, as he shall judge proper.

*Ordered*, That said resolution be referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to provide for the completion of the Normal School building," and after some time spent thereon, Mr. Fox, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

And then the Senate adjourned till 11 o'clock to-morrow morning.

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FRIDAY, 11 O'CLOCK A. M., FEBRUARY 16, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Lowry.

The Journal of yesterday was read and approved.

Mr. Martin presented the petition of citizens of Fredonia for the abolition of the traffic in intoxicating drinks, which was referred to the select committee on that subject.

Mr. Fox presented the petition of citizens of Troy for an amendment of the charter of said city and for free schools in said city.

Mr. Fox presented the petition of citizens of Schodack against a division of said town, which was committed to the committee of the whole.

Mr. Fuller presented the petition of school district No. 4 for free schools, which was committed to the committee of the whole.

Mr. Bokee presented the petition of the common council of Brooklyn for an act to alter the commissioner's map of said city, which was referred to the committee on cities and villages.

Mr. Fuller presented the remonstrance of 340 citizens of Monroe county against the repeal of the law concerning passengers arriving at ports of entry, &c., passed December 10, 1847, which was referred to the committee on commerce and navigation.

Mr. Bokee presented the petition of Samuel H. Mosher and John Dikeman, executors of Isaac Mosher, for authority to sell part of the real estate of the deceased, which was referred to the committee on the judiciary.

Mr. Bond presented the memorial of a committee in behalf of citizens of Hamilton relative to the Madison University, which was referred to the committee on literature.

On motion of Mr. Bond,

*Ordered*, That said memorial be printed.

Mr. Hawley presented the petition of citizens of Urbana that a portion of the inlet of Crooked Lake be declared a public highway, which was referred to the committee on commerce and navigation.

Mr. S. H. P. Hall presented the petition of 51 citizens of Tioga county for a law prohibiting the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. Whallon presented three petitions of citizens of Clinton and other counties for a railway from Plattsburg to intersect the great Boston railroad.

Mr. Coffin presented the petition of citizens of New-York for the abolition of capital punishment, which was laid on the table.

Mr. Whallon presented the petition of citizens of Crown Point, in Essex county, for a railroad from White Hall to Plattsburg, which was referred to the committee on railroads.

Mr. Geddes presented the remonstrance of supervisors and commissioner of highways of Brandt, Erie county, against the repeal of the law to build a bridge at Upper Irving, which was referred to the committee on roads and bridges.

Mr. Burch presented the petition of supervisors of Montgomery relative to changing the line between Canajoharie and Minden, which was committed to the committee of the whole.

Mr. Coffin presented the petition of inhabitants of Hudson, Columbia county, and Dutchess county, for the abolition of the traffic in intoxicating drinks, which was referred to the select committee on that subject.

Mr. Tamblin presented the petition of citizens of Jefferson county for a law declaring the public use of a railway from Sacket's Harbor to Ellisburgh, which was referred to the committee on railroads.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act concerning the district attorney of the county of Albany, passed February 21, 1840," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to regulate the salary of the district attorney of the county of Columbia," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act to confirm the official acts of J. Wesley Stark, a justice of the peace," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Martin, from the committee on canals, reported in favor of the passage of the bill entitled, "An act authorising the Canal Commissioners to build a bridge across the Erie canal in the village of Medina," which was committed to the committee of the whole.

*(See Senate Bill No. 178.)*

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act to amend the charter of the city of New-York," which was committed to the committee of the whole.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act for the relief of the St. Lawrence Academy and to increase the number of its trustees," which was committed to the committee of the whole.

Mr. Williams, from the select committee, reported in favor of the passage of the bill entitled, "An act concerning excise duty in the county of Orleans," which was committed to the committee of the whole.

*(See Senate Bill No. 181.)*

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill entitled, "An act in relation to the Utica Female Academy."

On motion of Mr. Clark,

*Ordered*, That said bill be referred to a select committee consisting of Messrs. Clark, Adams and Brownson, to consider and report complete.

*(See Senate Bill No. 182.)*

Mr. Fox gave notice that he would, at an early day, ask leave to introduce a bill to amend an act in relation to the charter of the city of Troy, and to provide for the establishment of free schools in said city.

Mr. Fox also gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled, "An act in relation to the city of Troy," passed January 28, 1848.

In pursuance of previous notice,

Mr. Geddes asked for and obtained leave to introduce a bill entitled, "An act to amend an act entitled, 'An act in relation to the business of mutual insurance companies,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

In pursuance of previous notice,

Mr. Clark asked for and obtained leave to introduce a bill entitled, "An act relative to suits by and against joint stock companies

and associations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. S. H. P. Hall,

The Senate proceeded to consider the question on reconsidering the vote disagreeing with a favorable report on the bill entitled, "An act to exempt from execution the homestead of a householder having a family."

The President put the question upon agreeing to reconsider said vote, and it was decided in the negative.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act authorising the election of a police justice in the village of Poughkeepsie," and after some time spent thereon, Mr. Burch, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. S. H. P. Hall,

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act fixing the fees of the sheriffs for transporting convicts to the State prison," and after some time spent thereon, Mr. Frost, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to provide for the completion of the Normal School building."

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Brownson	Mr. Fox	Mr. Smith
Mr. Burch	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. Hawley	Mr. Wilkin

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Fox,

*Resolved*, That the Assembly bill (No. 200, g. o. 203,) entitled, "An act to annex a part of the town of Canajoharie to the town of Minden," be again referred back to the standing committee on the division of towns and counties, and yet retain its place in the general orders.

On motion of Mr. Burch,

*Resolved*, That the Governor be requested to transmit to our Sen-



ators and Representatives in Congress copies of the concurrent resolutions passed by the Assembly and Senate relating to the erection of a monument to the memory of General Nicholas Herkimer.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
February 15, 1849. }

To the SENATE,—

I have this day approved and signed a bill entitled, "An act for the relief of certain purchasers of lands from the Trust Fire Insurance Company in the city of New-York."

HAMILTON FISH.

In pursuance of previous notice,

Mr. Bond asked for and obtained leave to introduce a bill entitled, "An act to repeal an act in relation to the Madison University, passed April 3, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The Serate then resolved itself into a committee of the whole on the bill entitled, "An act establishing free education throughout the State," and after some time spent thereon, Mr. Bokee, from said committee, reported in favor of the passage of the same without amendment.

The question then being on agreeing to the report of the committee of the whole,

Mr. Johnson moved to amend the report by striking out of the second section all after the word "present" in the fourteenth line, and insert "shall be reported by the trustees to the town superintendent, and he shall lay such estimates before the board of supervisors of the county at their next annual meeting, and they shall consider the estimates from all the school districts of the county which shall be thus laid before them, and add to the sums of money to be raised on each of the towns of the county, for defraying the necessary expenses thereof, such sums as they shall determine as necessary to be raised on each town to effect the objects of this law, and the same shall be levied, collected and paid over as is directed by title second, chapter fifteen, of the first part of the Revised Statutes, and the acts amendatory thereof."

The President put the question upon agreeing to the said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Bond  
Mr. Clark

Mr. Frost  
Mr. Johnson  
Mr. Lawrence

Mr. Martin  
Mr. Whallon  
Mr. Wilkin

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## FOR THE NEGATIVE.

Mr. Brownson	Mr. Fine	Mr. S. H. P. Hall
Mr. Burch	Mr. Floyd	Mr. Hawley
Mr. Coffin	Mr. Fox	Mr. Smith
Mr. Cole	Mr. Fuller	Mr. Williams
Mr. Colt	Mr. Geddes	14

Mr. Johnson then moved to amend the report by adding at the end of the word "towns" in the 7th line of the second section the words, "but no district shall raise in any one year more than one mill on the dollar for the assessed value of the real and personal estate of the district."

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Frost	Mr. Smith
Mr. Bokee	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Clark	Mr. Johnson	Mr. Whallon
Mr. Floyd	Mr. Lawrence	Mr. Wilkin
		12

## FOR THE NEGATIVE.

Mr. Bond	Mr. Colt	Mr. Geddes
Mr. Brownson	Mr. Fine	Mr. Hawley
Mr. Burch	Mr. Fox	Mr. Martin
Mr. Coffin	Mr. Fuller	Mr. Williams
Mr. Cole		13

Mr. Whallon moved to amend the report by adding after the word "towns" in the 7th line of the second section the words, "but no town shall raise a larger sum of money for the support of common schools in any one year than they receive from the State."

The President put the question upon agreeing to the said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Frost	Mr. Whallon
Mr. Clark	Mr. Johnson	Mr. Wilkin
Mr. Cole	Mr. Martin	Mr. Williams
Mr. Fox	Mr. Smith	11

## FOR THE NEGATIVE.

Mr. Bond	Mr. Fine	Mr. S. H. P. Hall
Mr. Brownson	Mr. Floyd	Mr. Hawley

Mr. Burch  
Mr. Coffin  
Mr. Colt

Mr. Fuller  
Mr. Geddes

Mr. Lawrence  
Mr. Tamblin

13

On motion of Mr. S. H. P. Hall,

Said bill was recommitted to the committee of the whole.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act to revise and amend the several acts relating to the city of Brooklyn."

And then the Senate adjourned till 11 o'clock to-morrow morning.

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## SATURDAY, 11 O'CLOCK A. M., FEBRUARY 17, 1849

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Kip.

The Journal of yesterday was read and approved.

Mr. S. H. P. Hall presented the petition of citizens of Nassau praying for a law for land limitation and household exemption, which was referred to the committee on grievances.

Mr. Lawrence presented the memorial of J. W. Gerard and others for a board of control in the city of New-York to manage the Alms House, prisons and sundry other institutions in that city so as to be free from political bias, which was referred to a select committee consisting of Senators from the 3d, 4th, 5th and 6th districts.

Mr. Lawrence also presented a memorial of the council of university asking aid from funds of the State, which was referred to the committee on literature.

Mr. Lawrence also presented a memorial of the council of university of the city of New-York praying for an amendment of the 7th section of its act of incorporation, which was referred to the committee on literature.

Mr. Williams presented the petition of citizens of Medina for a law to prevent the traffic in intoxicating drinks, which was referred to the select committee on that subject.

Mr. Smith presented a petition of the trustees of the West Point Foundry Association, for the passage of a law to enable them to sell real estate, which was referred to the committee on commerce and navigation.

Mr. Tamblin presented a remonstrance of citizens of Jefferson county against making Black river a public highway, which was laid on the table.

Mr. Smith presented the petition of W. B. Howard for a grant of land under water, which was referred to the committee on commerce and navigation.

Mr. Coffin presented the petition of sundry inhabitants of Columbia county praying for the abolition of capital punishment, which was committed to the committee of the whole.

Mr. Clark presented a petition of the recorder's court of Oneida county for a law to abolish the recorder's court of Utica, which was referred to the committee on the judiciary.

Mr. Fox presented a petition of citizens of Schoharie, Rensselaer county and of Hume, Allegany county, for free schools throughout the State, which was committed to the committee of the whole.

Mr. Fox presented a remonstrance of 163 citizens of Nassau against the division of said town, which was committed to the committee of the whole.

Mr. Whallon presented two petitions from Wm. Palmer and 40 others for a railroad from the Canada line to Plattsburg, which were referred to the committee on railroads.

Mr. Bokee presented a petition of the common council of New-York for an act to alter the commissioner's map of said city, which was referred to the committee on the incorporation of cities and villages.

Mr. Williams presented the petition of 60 electors of the town of Ulysses, Tompkins county, for a law to prohibit the sale of intoxicating liquor as a beverage, which was referred to the select committee on that subject.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to establish courts of civil and criminal jurisdiction in the city of Brooklyn," which was committed to the committee of the whole.

*(See Senate Bill No. 186.)*

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act in relation to copartnership styles," which was committed to the committee of the whole.

*(See Senate Bill No. 187.)*

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage, with amendments, of the bill entitled, "An act to incorporate the West Sandlake Association for mutual protection against horse thieves," which was committed to the committee of the whole.

*(See Senate Bill No. 188.)*

Mr. Wilkin, from the committee on the judiciary, to which was referred the petition for that purpose, reported a bill entitled, "An act to authorise the superintendents of the poor of the county of Essex to enlarge and repair the county poor house of said county," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 189.)*

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act to release the interest of the State, whereof Patrick Ward died seised, to Sally McAvara, Margaret Murphy and Catharine Burns," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 190.)*

Mr. Wilkin, from the committee on the judiciary, to which was referred the petition of Rosetta Follett for a divorce from her husband, reported adverse to the prayer of the petitioner, and asked to be discharged from the further consideration thereof, which report was agreed to.

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act to allow Ebenezer Emmons to publish an abridgment of his reports on agriculture, which forms a part of the Natural History of this State," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 191.)*

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act relating to the town records of the town of Mount Hope destroyed by fire," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 192.)*

Mr. Bokec, from the committee on the incorporation of cities and villages, reported a bill entitled, "An act to alter the commissioner's map of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole.

*(See Senate Bill No. 183.)*

Mr. Fox, from the committee on the erection and division of towns and counties, reported in favor of the passage of a bill from the Assembly entitled, "An act to alter and settle the east line of the town of North Hudson, Essex county," which was committed to the committee of the whole.

(See Assembly Bill No. 184.)

Mr. Burch, from the committee on commerce and navigation, to which was referred a petition for that purpose, reported a bill entitled, "An act to grant certain land under water to Walter B. Howell," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Coffin, from the committee on trade and manufactures, to which was referred the petition of the trustees of the West Point foundry, reported favorably and asked leave to introduce a bill, which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 193.)

Mr. Cole, from the committee on the judiciary, asked to be discharged from the further consideration of the petition of citizens of Rensselaer and Albany counties for a law restraining rents, &c., which was agreed to.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill entitled, "An act to repeal an act in relation to the Madison University, passed April 3, 1848," which was committed to the committee of the whole.

(See Senate Bill No. 194.)

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills:

"An act in relation to the office of police justice of the village of Poughkeepsie," also

"An act fixing the fees of sheriffs for transporting convicts to State prisons."

Mr. Clark, from the select committee, to which was referred the petition for that purpose, reported a bill entitled, "An act in relation to the Utica Female Academy," which was read the first time, and by unanimous consent was also read the second time.

*Ordered*, That said bill be engrossed for a third reading.

In pursuance of previous notice,

Mr. Fuller asked for and obtained leave to introduce a bill entitled, "An act to amend the charter of the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice,

Mr. Fuller asked for and obtained leave to introduce a bill entitled, "An act for the collection of fines and forfeitures in the county of Monroe and the duties of certain officers relating thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice,

Mr. Fuller asked for and obtained leave to introduce a bill entitled, "An act to amend the 77th section of an act relating to the judiciary," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice,

Mr. Johnson asked for and obtained leave to introduce a bill entitled, "An act to incorporate the American Female Moral Reform and Guardian Society," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice,

Mr. Fox asked for and obtained leave to introduce a bill entitled, "An act to amend the charter of the city of Troy, and to provide for the establishment of free schools in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

On motion of Mr. Martin,

*Resolved*, That the Canal Commissioners be requested to report to the Senate the feasibility of constructing a basin at West Troy, or between that place and Albany, of sufficient capacity to accommodate the business of the Erie and Champlain canals, and also an estimate of the expense of the same.

On motion of Mr. Fox,

*Resolved*, That the Canal Commissioners report to the Senate a plan and estimate of the cost of constructing a basin in the immediate vicinity of lock No. 2 on the Erie canal near the city of Albany, to contain at least 25 acres, including the probable cost of the same.

Mr. Fuller offered for the consideration of the Senate the following resolution :

*Resolved*, That on and after Monday the 19th day of February inst., the Senate will commence their sessions at 10 o'clock A. M.

The President then put the question upon agreeing to the resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Bokee  
Mr. Bond

Mr. Cole  
Mr. Fox

Mr. Hawley  
Mr. Smith

Mr. Burch	Mr. Fuller	Mr. Williams	
Mr. Coffin	Mr. S. H. P. Hall		11

## FOR THE NEGATIVE.

Mr. Brownson	Mr. Frost	Mr. Martin	
Mr. Clark	Mr. Johnson	Mr. Whallon	
Mr. Floyd	Mr. Lawrence		8

Mr. Fox gave notice that he would, at an early day, ask leave to introduce a bill to compel the Albany and West Stockbridge Railroad Company to build a bridge over their road at Greenbush, and for other purposes.

Mr. Johnson gave notice that he would, at an early day, introduce a bill for the incorporation of the American Female Moral Reform and Guardian Society.

Mr. Fuller gave notice that, at some future day, he would ask leave to introduce a bill entitled, "An act to amend the charter of the city of Rochester."

Mr. Fuller also gave notice that he would, at an early day, ask leave to introduce a bill in relation to the collection of fines and forfeitures in the county of Monroe, and the duties of certain officers in relation thereto.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
February 17, 1849. }

To the SENATE,—

I have this day approved and signed a bill entitled, "An act to amend the act entitled, 'An act for filling vacancies in office,' passed February 3, 1849."

HAMILTON FISH.

A resolution was received from the Assembly in the words following, to wit :

*Resolved*, (if the Senate concur,) That the House of Assembly and Senate will meet this day at 1 o'clock P. M., in the Assembly chamber, to appoint, by joint ballot, a person to fill the vacancy which will exist in the office of Comptroller on the 20th inst., by reason of the resignation of Millard Fillmore, to take effect on that day.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act establishing free education throughout the State," and after some time spent thereon, Mr. Bokee, from said committee, reported progress, and asked for and obtained leave to sit again.



The hour of 1 having arrived, the Senate proceeded to the Assembly chamber, where the balloting was had to fill the office of Comptroller, with the following result :

Washington Hunt received 89 votes.

C. A. Mann " 15 "

Nathan Dayton " 7 "

W. L. Johnson " 1 "

Thereupon Washington Hunt was declared duly appointed to fill such vacancy.

The Senate then returned and proceeded again to legislative business.

Mr. Cole called for the consideration of the motion to reconsider the vote of the Senate agreeing to the report of the committee of the whole on the bill entitled, "An act to incorporate the Niagara Falls Bridge Company."

The President put the question upon agreeing to said motion, and it was decided in the negative.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to establish free education throughout the State," and Mr. Bokee, from said committee, reported that they had amended said bill by striking out the word "education" and inserting the word "schools."

The following communications were received from the canal department :

CANAL DEPARTMENT, }  
*Albany, Feb. 17, 1849.* }

To the PRESIDENT  
*Of the Senate.*

SIR—I herewith send a resolution of the Canal Board with the report of the State Engineer and Surveyor and Canal Commissioner Hinds, in answer to a resolution of the Senate of March 22, 1848.

Very respectfully,

Your obedient servant,

F. H. RUGGLES, *Auditor.*

STATE OF NEW-YORK,  
CANAL DEPARTMENT, }  
*Albany, Feb. 17, 1849.* }

At a meeting of the Canal Board, the report of the State Engineer and Surveyor and Canal Commissioner Hinds, to whom was referred the resolution of the Hon. the Senate of the 22d March, 1848, relative to the Black Rock harbor and the Buffalo harbor improvements, having been submitted and read,

*Resolved*, That the Canal Board approve of the said report, and that the Auditor transmit the same, together with the accompanying map, to the Hon. the Senate, in answer to their resolution of March 22, 1848.

I certify the foregoing to be a correct extract from the minutes.

F. H. RUGGLES, *Auditor*.

*Ordered*, That said communications be laid on the table and printed.

On motion of Mr. Williams,

The bill in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals, was taken from the committee of the whole and referred to a select committee consisting of Messrs. Williams, Fine, Cook, Smith and Fuller, with an order that the said bill retain its place in the general order.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act making appropriations for the payment of the charges and expenses of the removal of wrecks from the Albany basin," and after some time spent thereon, Mr. Wilkin, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Johnson,

*Resolved*, That Senate Doc. No. 61 of 1848 be printed, with ten times the usual number and two hundred copies.

Mr. Burch, from the committee on commerce and navigation, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise Benjamin L. James and James L. Schultz to establish and continue a ferry across the Hudson River from Piermont to the opposite shore in the county of Westchester," which was committed to the committee of the whole.

By unanimous consent,

Mr. Johnson, from the committee on railroads, to which was referred a petition for that purpose, reported a bill entitled, "An act declaring the public use of a railroad from Sacket's Harbor to Ellisburgh in Jefferson county," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 196.)

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled, "An act to amend an act entitled, 'An act for filling vacancies in office,' passed February 3, 1849."

*Ordered*, That said bill be transmitted to the Governor.

And then the Senate adjourned till Monday morning at 10 o'clock.

MONDAY, 11, O'CLOCK A. M., FEBRUARY 19, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Wyckoff.

The Journal of Saturday was read and approved.

Mr. Bokee presented the remonstrance of inhabitants of Flatbush against a new road from Gravesend to Brooklyn, which was referred to the committee on roads and bridges.

Mr. Coffin presented the petition of sundry inhabitants of the city of New-York praying for the abolition of capital punishment, which was committed to the committee of the whole.

Mr. Coffin presented the petition of inhabitants of Dutchess co. praying for the passage of a law to prevent the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. S. H. P. Hall presented the memorial of Chenango co. temperance society to prohibit the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. Hawley presented a remonstrance from citizens of Urbana against the inlet to the Crooked Lake being made a public highway, which was referred to the committee on commerce and navigation.

Mr. Whallon presented two several petitions from citizens of Clinton co. for a railroad from White Hall north through the county of Essex to Plattsburg and thence to Canada in the direction of Montreal, which were referred to the committee on railroads.

Mr. Fuller presented the petition of the board of supervisors of the county of Monroe praying for the passage of an act in relation to fines and forfeitures in said county and the duties of certain officers thereto, which was referred to the committee on the internal affairs of towns and counties

Mr. Tamblin presented the petition of the Secretary of the Jefferson County Literary Institution for an amendment of their charter, which was referred to the committee on literature.

Mr. Martin, from the committee on canals, to which was referred the petition of Crossett and Ward for extra allowance on section No. 20 of Cayuga and Seneca canal, reported adverse to the prayer of the petitioners, and asked to be discharged, which was granted.

Mr. Bond, from the committee on literature, to which was referred a petition for that purpose, reported a bill entitled, "An act to amend an act entitled, 'An act incorporating the University of the city of New-York,' passed April 18, 1831," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Senate Bill No. 197.)

Mr. Johnson, from the committee on Indian affairs, to which was referred the petition for that purpose, reported a bill entitled, "An act for the benefit of Lydia Harden an Indian woman," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee on the whole.

(See Senate Bill No. 199.)

Mr. Bond, from the committee on literature, to which was referred the petition for that purpose, reported a bill entitled, "An act to amend the charter of the city of Troy and to provide for the establishment of free schools in said city," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Smith, from the committee on banks and insurance companies, reported in favor of the passage of the bill entitled, "An act to amend an act entitled, 'An act in relation to the business of mutual insurance companies,'" which was committed to the committee of the whole.

Mr. Williams, from the committee on charitable and religious societies, to which was referred the petition for that purpose, reported a bill entitled, "An act to incorporate the American Female Guardian Society," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act authorising the executors of Thomas Poole, formerly of Brooklyn, deceased, to sell certain portions of his real estate," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to abridge the practice, pleadings and proceedings of the courts of this State."

Mr. Burch, from the committee on commerce and navigation, reported adverse to the passage of the bill entitled, "An act to repeal an act for the prevention of frauds in the sale of oil," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act authorising causes which cannot be heard in the district where they are pending, to be heard in an adjoining district," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act to establish free schools in district No. 5 in the town

of Flushing, passed March 10, 1848," which was committed to the committee of the whole.

A bill was received from the Assembly for concurrence entitled, "An act to repeal an act to appoint commissioners to lay out a road from Palatine bridge in Montgomery county, through Palatine, Euphratah, Pleasant Valley and Garoga, to lands belonging to the State in the county of Fulton, passed December 10, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to incorporate the East River Savings Institution, passed April 14, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the mayor and common council of the city of Brooklyn to create a loan for the purpose of erecting a city hall in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to amend 'An act to incorporate the village of Lyons,' passed April 16, 1831," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act to consolidate and amend the charter of the village of Watertown," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act further to amend 'An act to provide for the construction of a railroad from Attica to Buffalo,' passed May 3, 1836," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A bill was received from the Assembly for concurrence entitled, "An act to enable the trustees of the Bath Presbyterian congregation to make certain repairs and improvements in their church," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice,

Mr. Fox asked for and obtained leave to introduce a bill entitled, "An act to compel the Albany and West Stockbridge Railroad Company to build a bridge over their road at Greenbush, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The following communication was received from the Hon. P. S. Van Rensselaer, which was laid on the table, to wit :

*New-York, Feb. 16, 1849.*

To the Hon. G. W. PATTERSON,  
*President of the Senate.*

DEAR SIR—I had the honor this morning to receive your communication, transmitting a copy of the proceedings of the Senate and Assembly, appointing me a Regent of the University.

I beg leave, sir, through you, to make known to the Hon. the Legislature my acceptance of the office, with the assurance of my full appreciation of its honor and responsibility.

With great respect,

Your obedient servant,

P. S. VAN RENSSELAER.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to incorporate the Genesee College," and after some time spent thereon, Mr. Bokee, from said committee, reported in favor of the passage of the same with amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to provide for the election of justices of the justice's court in and for the city of Hudson," and after some time spent thereon, Mr. Bokee, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to amend an act to provide for building a court house in the county of Madison, passed April 11, 1848," and after some time spent thereon, Mr. Johnson, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

Said bill was then read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Bokee  
Mr. Bond  
Mr. Brownson  
Mr. Burch  
Mr. Coffin  
Mr. Cole  
Mr. Cook

Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. S. H. P. Hall  
Mr. Hawley

Mr. Johnson  
Mr. Martin  
Mr. Smith  
Mr. Tamblin  
Mr. Whallon  
Mr. Wilkin  
Mr. Williams

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend an act to incorporate the Genesee College," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Cook	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Brownson	Mr. Fox	Mr. Smith
Mr. Burch	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cole	Mr. Hawley	Mr. Williams

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act to amend the 133d section of the act entitled, 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' passed April 12, 1848," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Brownson	Mr. Fox	Mr. Smith
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook	Mr. Hawley	Mr. Williams

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## FOR THE NEGATIVE.

Mr. Burch	Mr. Clark
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2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act authorising the election of a police justice in the village of Poughkeepsie," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Cook	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Brownson	Mr. Fox	Mr. Tamblin
Mr. Burch	Mr. Frost	Mr. Whallon
Mr. Clark	Mr. Fuller	Mr. Wilkin
Mr. Coffin	Mr. S. H. P. Hall	Mr. Williams
Mr. Cole	Mr. Johnson	

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act fixing the fees of sheriffs for transporting convicts to State prisons," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Frost	Mr. Smith
Mr. Burch	Mr. Fuller	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Whallon
Mr. Coffin	Mr. Hawley	Mr. Williams
Mr. Cole		

19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to allow contracts of loans and forbearance on personal security for short periods," and Mr. Cook, from said committee, reported that the committee had stricken out the enacting clause of said bill, which report was laid on the table.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act regulating the fees and compensation of executors and administrators," and Mr. Hawley, from said committee, reported that the committee had struck out the enacting clause to said bill, which report was agreed to.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to repeal two several acts for the relief of Francis Englishbee," and after some time spent thereon, Mr. Bond, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act in relation to county superintendents of the poor elected at the annual election in 1848, and to confirm their official acts," and after some time spent thereon, Mr. Williams, from said committee, reported progress, and asked for and obtained leave to sit again.



The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to amend an act entitled, 'An act to authorise the formation of the Niagara Falls House Company,' passed March 24, 1848," and after some time spent thereon, Mr. S. H. P. Hall, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies, passed April 12, 1848," and after some time spent thereon, Mr. Floyd, from said committee, reported progress, and asked for and obtained leave to sit again.

And then the Senate adjourned till 10 o'clock to-morrow morning.

## TUESDAY, 11 O'CLOCK A. M., FEBRUARY 20, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Martin.

The Journal of yesterday was read and approved.

Mr. Bokee presented the petition of the president, directors and company of the Brooklyn Bank asking an amendment of their charter, which was referred to the committee on banks and insurance companies.

Mr. Whallon presented two petitions of citizens of Port Henry for a railroad from White Hall to Plattsburg, which were referred to the committee on railroads.

Mr. Coffin presented the petition of sundry inhabitants of Schenectady praying for the abolition of capital punishment, which was laid on the table.

Mr. Coffin presented the petition of inhabitants of Dutchess county praying for the passage of a law to prohibit the traffic in intoxicating drinks, which was referred to the select committee on that subject.

Mr. Cook presented a petition for the passage of an act to authorise the corporation of the city of Schenectady to borrow money for the purposes in such act specified, which was referred to the committee on roads and bridges.

Mr. Martin presented the petition of citizens of Fredonia to abolish the traffic in intoxicating drinks, which was referred to the select committee on that subject.

Mr. Fox presented the remonstrance of citizens of Schodack against the division of that town, which was committed to the committee of the whole.

Mr. Williams presented the petition of 202 inhabitants of the town of Hector, Tompkins co., for the prohibition of the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. Fox presented the memorial of the recorder, aldermen and commonalty of the city of Troy for the passage of a law entitled, "An act to amend an act entitled, 'An act in relation to the city of Troy,' passed Jan. 28, 1848," which was referred to the committee on cities and villages.

Mr. Burch presented the petition of inhabitants of Euphratah, Fulton county, to repeal the act to lay out a highway from Palatine bridge to State lands Fulton county, which was referred to the committee on roads and bridges.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act further to amend 'An act to incorporate the Buffalo and Hamburg Turnpike Company,' passed January 23, 1830," which was committed to the committee of the whole.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill entitled, "An act to regulate the expenditure of the highway tax in parts of Essex, Hamilton and Warren counties," which was committed to the committee of the whole.

Mr. Coffin, from the committee on banks and insurance companies, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act to incorporate the East River Savings Institution, passed April 11, 1848," which was committed to the committee of the whole.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the mayor and common council of the city of Brooklyn to create a loan for the purpose of erecting a city hall in said city," which was committed to the committee of the whole.

A bill was received from the Assembly for concurrence entitled, "An act to make the clerk's office of Erie county a salaried office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to annex a part of the town of Rockland to the town of Liberty in the county of Sullivan," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to incorporate the Saugerties and Woodstock Turnpike Company, passed April 21, 1828," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the construction of a plank road in the town of Canton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the trustees of school district No. 1 in the town of German Flatts to borrow money to build a school house," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to provide for the election of the justices of the justices' court in and for the city of Hudson."

The following communication was received from the Columbia County Mutual Insurance Company :

The Columbia County Mutual Insurance Company was dissolved many years since, and has no existence or officers.

J. W. FAIRFIELD.

The following letter was received from the Hon. W. H. Seward :

*Albany, Feb. 19, 1849.*

The Hon. G. W. PATTERSON,  
*Lt. Gov. and Pres't of the Senate.*

SIR—I accept the office of Senator in the Congress of the United States, with sincere devotion to the public service and with profound gratitude for the generous confidence reposed in me by the Legislature.

I have the honor to be,  
With great respect,  
Your humble servant,  
WILLIAM H. SEWARD.

In pursuance of previous notice,

Mr. Fox asked for and obtained leave to introduce a bill entitled, "An act to amend an act entitled, 'An act in relation to the city of Troy,' passed January 28, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

On motion of Mr. Floyd.

The resolution fixing the time of meeting of the Senate at 10 o'clock was reconsidered, and the resolution laid on the table.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend an act for the formation of benevolent, charitable, scientific and missionary societies," passed April 12, 1848," and after some time spent thereon, Mr. Floyd, from said committee, reported progress, and asked for and obtained leave to : it again.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to extend the time for the county superintendents of the poor elected in November, 1848, to execute and file their official bond and to take the oath of office," and after some time spent thereon, Mr. Williams, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act incorporating the Panama Railroad Company," and after some time spent thereon, Mr. Burch, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the relief of the St. Lawrence Academy," and after some time spent thereon, Mr. Burch, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then proceeded to the consideration of executive business.

When the executive session was closed,

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act amendatory of the act entitled, 'An act to authorise the business of banking,' passed April 18, 1838, and the acts amending the same," and after some time spent thereon, Mr. Tamblin, from said committee, reported progress, and asked for and obtained leave to sit again.

A message was received from the Comptroller, which was referred to the committee on public printing :

The following communication was received from the Young Men's Association :

*Albany, Feb. 20, 1849.*

To the Hon. the SENATE,  
*Of the State of New-York:*

The members and officers of your honorable body are respectfully invited to attend the celebration of Washington's birth-day by the Young Men's Association of Albany, at Dr. Campbell's church, corner of Beaver and South Pearl streets in this city, on the 22d inst., at 8 o'clock P. M.

By order of the executive committee,

R. H. NORTHROP,  
*Corresponding Sec'y.*

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act appropriating money to the payment of the claim of Henry B. Hewitt and William Beach," and after some time spent thereon, Mr. Williams, from said committee, reported progress, and asked for and obtained leave to sit again.

By unanimous consent,

Mr. Williams presented a petition for the incorporation of the proprietors of the Albany pier, which was referred to a select committee.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act to incorporate the Genesee College."

*Ordered*, That said bill be returned to the Assembly.

A resolution was received from the Assembly in the words following, to wit :

*Resolved*, (if the Senate concur,) That Lieutenant Colonel William Wallace Smith Bliss, by his noble and gallant bearing in the service of his country, has reflected distinguished honor upon his native State, and is, therefore, entitled to the thanks of her people, which are hereby tendered him ; and that, in token of their appreciation of his worth as a soldier and a man, the governor be requested to procure a gold medal, with suitable devices and inscriptions, and present the same to Colonel Bliss in the name of the people of this State, together with a copy of this resolution, and that one copy of such medal shall be deposited in the military academy at West Point and one copy of such medal shall be deposited in the state library.

*Ordered*, That said resolution lie upon the table.

And then the Senate adjourned till 11 o'clock to-morrow morning.

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WEDNESDAY, 11 O'CLOCK A. M., FEBRUARY 21, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Miles.

The Journal of yesterday was read and approved.

Mr. Coffin presented the petition of citizens of New-York for the abolition of capital punishment, which was committed to the committee of the whole.

Mr. Coffin also presented the petition of citizens of Poughkeepsie in reference to the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. Clark presented a petition on the same subject, which was referred to the same committee.

Mr. Fox presented the remonstrance of citizens of Schodack against the division of that town, which was committed to the committee of the whole.

Mr. Fox also presented the petition of citizens of Albany in reference to the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. Bush presented the petition of citizens of Erie for free schools, which was referred to the committee on literature.

Mr. Fine presented three petitions of citizens of Cayuga and Yates county for the abolition of the sale of intoxicating drinks as a beverage, which was referred to the select committee on that subject.

Mr. Whallon presented a petition for the White Hall and Plattsburg railway, which was referred to the committee on railroads.

Mr. Whallon also presented a petition for the Plattsburg and Montreal railway, which was referred to the committee on railroads.

Mr. Smith, from the committee on roads and bridges, to which was referred the petition for that purpose, reported a bill entitled, "An act to authorise the corporation of the city of Schenectady to borrow money for the purposes therein mentioned," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 212.)*

Mr. Fox, from the committee on the erection and division of towns and counties, reported in favor of the passage of a bill from the Assembly entitled, "An act to annex a part of the town of Canajoharie to the town of Minden," which was committed to the committee of the whole.

Mr. Frost from the committee on charitable and religious societies, to which was referred the petition for that purpose, reported a bill entitled, "An act making appropriation to the Hudson Orphan and Relief Association," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 214.)*

Mr. Cook, from the committee on banks and insurance companies, to which was referred a petition for that purpose, reported a bill entitled, "An act in addition to and amendatory to the act entitled, 'An act for the relief of the president and directors of the Brooklyn Bank,' passed April 29, 1840," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

*(See Senate Bill No. 213.)*

Mr. Williams, from the committee on claims, reported adverse on the petition of Gerrit Visscher for the appraisal of his damages in consequence of the enlargement of the Erie canal, which report was agreed to by the Senate.

Thereupon,

*Resolved*, That the prayer of the petitioner be denied.

Mr. Burch, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to provide for the election of the justices of the justices' court in and for the city of Hudson."

Mr. Williams, from the committee on charitable and religious societies, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act to enable the trustees of the Bath Presbyterian Congregation to make certain repairs and improvements in their church," which was committed to the committee of the whole.

Mr. Clark, from the committee on claims, reported adverse to the passage of the bill from the Assembly entitled, "An act for the appraisal and payment of the damages of Benjamin Wadsworth in the construction of the Eaton brook reservoir," which was committed to the committee of the whole.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the payment of certain select committees of the Legislature of 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

Mr. Williams, from the committee on claims, reported adverse to the passage of the bill from the Assembly entitled, "An act to authorise the appraisal and payment of canal damages to George W. Manchester," which was committed to the committee of the whole.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill entitled, "An act to amend an act entitled, 'An act in relation to the city of Troy,' passed January 28, 1848," which was committed to the committee of the whole.

(*See Senate Bill No. 217.*)

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the construction of a plank road in the town of Canton," which was committed to the committee of the whole.

The President laid before the Senate the annual report of the New-York Hospital, which was referred to the committee on charitable and religious societies.

The President also laid before the Senate the report of the Saratoga and Oneida County Mutual Insurance Companies, which were referred to the committee on banks and insurance companies.

The following communication was received :

EXECUTIVE CHAMBER, }  
February 20, 1849. }

HON. ANDREW H. CALHOUN, *Clerk of the Senate.*

DEAR SIR—I am requested by the Governor to send you herewith a copy of the "American Archives," 5th series, vol. 1, to be deposited in the Senate library.

Very respectfully your obedient servant,  
ROBERT H. MORRIS, *Private Sec'y.*

Mr. Williams, from the committee on charitable and religious societies, reported in favor of concurring in the amendments of the Assembly to the bill entitled, "An act to incorporate the members of the East Genesee Annual Conference of the Methodist Episcopal Church."

The President put the question whether the Senate would agree to the amendments, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Fine	Mr. Hawley
Mr. Brownson	Mr. Floyd	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Williams
Mr. Cook		

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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments to said bill.

On motion of Mr. Smith,

*Whereas,* The anniversary of the birth-day of George Washington occurs on the 22d inst., to-morrow, and in order to pay that tribute of respect to the memory of the father of his country which a grateful people, in the possession of the blessing of liberty owe that illustrious name,

*Resolved,* That the Senate will not hold a session on to-morrow, and when it adjourns, we adjourn to meet again at 11 o'clock on Friday morning.

Leave of absence was granted to Mr. Treadwell for one week.

Mr. Hawley, from the committee on literature, to which was referred the petition for that purpose, reported a bill entitled, "An act to amend the charter of the Jefferson County Institute," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Tamblin,

*Ordered,* That said bill be now engrossed for a third reading.



Mr. Williams, from the select committee, reported the following as a substitute for the bill heretofore introduced, entitled "An act in relation to certain expenses incurred in excavating the basin, and the tolls receivable thereon, at the eastern termination of the Erie and Champlain Canals."

*Ordered*, That this bill retain its place in the general orders.

The Senate then proceeded to the consideration of the resolution of the Assembly relative to the presentation of a gold medal to Col. William Wallace Smith Bliss.

On motion of Mr. Coffin,

*Ordered*, That said resolution be laid on the table.

The President laid before the Senate the following communication :

*Albany, Feb. 21, 1849.*

Hon. G. W. PATTERSON, *President of the Senate*:

SIR—The undersigned, a committee appointed by the Washington Rifle Company, have been directed by said company to invite the Hon. the Senate to join with them in the celebration of Washington's birth-day, at the Assembly chamber in the capitol.

It would afford the company great pleasure to be honored by the presence of the Hon. the Senate on that occasion. The exercises will commence at 11 o'clock A. M.

Truly yours,

C. TRIGER,  
W. P. PAFF,  
H. SWITZER, *Committee.*

The bill entitled, "An act to provide for the election of justices of the justice's court in and for the city of Hudson," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Fine	Mr. Hawley
Mr. Brownson	Mr. Floyd	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Williams

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act appropriating money to the payment of the claim of Henry B. Hewitt and William Beach," and after some time spent thereon, Mr. Williams, from said committee, reported progress.

On motion of Mr. Cook,

*Ordered*, That the question on granting leave to said committee to sit again be laid on the table.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act amendatory of an act entitled, 'An act to authorise the business of banking,' passed April 18, 1838, and the acts amending the same," and after some time spent thereon, Mr. Tamblin, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies," passed April 12, 1848," and after some time spent thereon, Mr. Floyd, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise the construction of a plank road in the town of Canton," and after some time spent thereon, Mr. Smith, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Burch, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to amend the charter of the Jefferson County Institute."

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to incorporate the Mansion Square Female Seminary in the village of Poughkeepsie," and after some time spent thereon, Mr. Whallon, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to amend the charter of the village of Williamsburgh," and after some time spent thereon, Mr. Whallon, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

By unanimous consent,

Mr. Bush presented the petition of citizens of Genesee and Erie for a railroad from Batavia to Buffalo, which was referred to the committee on railroads.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise the further enlargement of the opening in the Albany pier between the State and Columbia street bridges," and after some time spent thereon, Mr. Fox, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to certain expenses incurred in

excavating the basin, and the tolls receivable thereon, at the eastern termination of the Erie and Champlain canals," and after some time spent thereon, Mr. Martin, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend an act authorising the formation of railroad corporations," and after some time spent thereon, Mr. Coffin, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise the appraisal and payment of canal damages sustained by Packard Bruce," and after some time spent thereon, Mr. Fuller, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend an act entitled, 'An act to authorise the board of supervisors of the county of Herkimer to raise money by tax and to disburse the same,' passed September 21, 1847," and after some time spent thereon, Mr. Bush, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act making compensation to Charles A. Jones, one of the contractors for building the Western House of Refuge for juvenile delinquents," and Mr. Hawley, from said committee, reported that the committee had struck out the enacting clause to said bill, which report was agreed to.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act making compensation to Henry Rogers, one of the contractors for building the Western House of Refuge," and Mr. Hawley, from said committee, reported that the committee had stricken out the enacting clause of said bill, which report was agreed to.

A bill was received from the Assembly for concurrence entitled, "An act to establish a court of special sessions in and for the city of Albany, and to confer judicial powers upon the recorder of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to authorise Isabella Gilchrist to hold and convey real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

And then the Senate adjourned till 11 o'clock Friday morning.

FRIDAY, 11 O'CLOCK A. M., FEBRUARY 23, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Miles.

The Journal of yesterday was read and approved.

Mr. Brownson presented the petition of M. W. Miner and others for a law providing for the payment of interest on certain protested drafts, which was referred to the Canal Board.

Mr. Brownson also presented two petitions of thirty-two citizens of Wyoming county for a law prohibiting the sale of intoxicating drinks as a beverage, which were referred to the select committee on that subject.

Mr. Whallon presented the petition of citizens of Clinton and Essex county for the Whitehall and Plattsburgh railway, which was referred to the committee on railroads.

Mr. Whallon also presented the petition of citizens of Clinton for a railway to Canada in the direction of Montreal along the western side of Lake Champlain, which was referred to the committee on railroads.

Mr. Coffin also presented the petition of citizens of New-York for the abolition of capital punishment, which was laid on the table.

Mr. Coffin also presented the petition of two hundred and fifty-eight citizens of Dutchess county for the payment of the troops called into the service of the State for the quelling of a riot on the line of the Hudson River Railroad, which was referred to the committee on the militia.

Mr. Coffin also presented a petition of citizens of Clinton for a law prohibiting the sale of intoxicating drinks as a beverage, which was referred to the select committee on that subject.

Mr. Williams presented the petition of citizens of Ulysses on the same subject, which was referred to the select committee on that subject.

Mr. Fuller presented the proceedings of a convention at Rochester on the subject of the enlargement of the Erie canal.

Mr. Fuller moved the printing of said memorial.

The President put the question upon agreeing to said motion, and it was decided in the negative.

Mr. Bond presented the remonstrance of W. H. Harrison and others against the passage of the bill in relation to a plank road in the town of Canton, which was laid on the table.

Mr. Fox presented the petition of 144 citizens of Troy for an act to amend the charter of said city and to establish free schools in said city, which was committed to the committee of the whole.

Mr. Johnson presented the petition of citizens of Erie and Chautauque for an amendment of the law for building a bridge over the Cattaraugus creek at Upper Irving, which was referred to the committee on railroads.

Mr. Johnson also presented the petition of G. J. Trimble, Peter Cooper, and 450 other citizens of New-York, for a reorganization of the Alms House and prison department of the city of New-York, which was referred to a select committee consisting of Senators from the 3d, 4th, 5th and 6th districts.

Mr. Geddes presented the petition of 85 citizens of the first ward of Syracuse for a law restraining the sale of intoxicating liquors as a beverage, which was referred to the select committee on that subject.

Mr. Bond presented the petition of the constables of the city of Albany and 56 others to amend the law in relation to special sessions in the said city, which was referred to the committee on the judiciary.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act to incorporate the village of Lyons, passed April 16, 1831," which was committed to the committee of the whole.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the act to consolidate and amend the charter of the village of Watertown," which was committed to the committee of the whole.

Mr. Fuller, from the committee on canals, reported adverse to the passage of the bill from the Assembly entitled, "An act to authorise the appraisal and payment of canal damages to Henry R. Alexander, David Tomlinson and others," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act in relation to the Utica Female Academy."

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to amend an act to provide for the incorporation and regulation of telegraph companies, passed April 12, 1848," which was committed to the committee of the whole.

(See Senate Bill No. 223.)

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to make the clerk's office of Erie county a salaried office," which was committed to the committee of the whole.

Mr. Williams, from the committee on claims, reported adverse on the petition of George Wilson for the appraisal of his damages from the stoppage of the water at his mills upon the outlet of Crooked Lake, which report was agreed to by the Senate

Thereupon,

*Resolved*, That the prayer of the petitioner be denied.

The President laid before the Senate the following communication from the honorable Washington Hunt:

*Albany Feb. 21, 1849.*

To the HON. G. W. PATTERSON, *Lt. Governor*:

SIR—I have had the honor to receive your letter, communicating to me the certificate of my election to the office of Comptroller of the State of New-York, to fill the vacancy occasioned by the resignation of Millard Fillmore.

In accepting this arduous and important trust, I must be permitted, through you, to convey to the Legislature an expression of my gratitude for the generous manifestation of their confidence; and to assure them, however inadequate my efforts may prove, it will be my constant aim to promote the public interest by a faithful discharge of the duties which it is their pleasure to devolve upon me.

I am sir with great respect your obdt servant,

WASHINGTON HUNT.

The President laid before the Senate the annual report of the canal department on the trade, tolls and tonnage of the canals.

Mr. Fuller moved the printing of five times the usual number of said report and 400 for the use of the department, which was referred to the printing committee.

Mr. Williams gave notice that he would, at a future day, introduce a bill to incorporate the proprietors of the Albany pier.

In pursuance of previous notice,

Mr. S. H. P. Hall asked for and obtained leave to introduce a bill entitled, "An act to aid academies and promote the instruction of common school teachers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

In pursuance of previous notice,

Mr. Fuller asked for and obtained leave to introduce a bill entitled, "An act to amend an act entitled, 'An act in relation to the office of the State Engineer and Surveyor and the Engineer department,' passed March 4, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Geddes offered for the consideration of the Senate the following resolution:

*Resolved*, (if the Assembly concur) That the theodolite used in the geological survey of the State, and now in the possession of Dr. Ebenezer Emmons, be placed in custody of the executive committee of the Normal School for the use of that institution.

*Ordered*, That said resolution lie upon the table.

On motion of Mr. Fine,

*Resolved*, That two Senators be added to the members of the judiciary committee, who shall be a special committee to examine and

report upon the reports of the commissioners on practice and pleadings.

In pursuance of previous notice,

Mr. Smith asked for and obtained leave to introduce a bill entitled, "An act for giving relief in certain cases of insolvency," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Bokee,

*Resolved*, That the honorable Amasa J. Parker, one of the judges of the supreme court; be respectfully requested to furnish the Senate with a copy of his minutes of the trial of Theodore Olcott, late cashier of the Canal Bank of Albany, for embezzling the money of the Ogdensburgh Bank, tried in December last: And also, a copy of his minutes of the trial of said Olcott for perjury, at the recentoyer and terminer in the county of Albany; and the points of law decided by him on said trials: And that the clerk of the Senate, pay from the contingent fund, the expense of making such copies.

*Resolved*, That the clerk of the Senate, immediately transmit the foregoing resolution to the honorable Amasa J. Parker.

On motion of Mr. Clark,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of providing for the printing and distribution of the 2d, 3d and 4th numbers of the reports of the commissioners of the Code of Procedure.

On motion of Mr. Bokee,

*Resolved*, That the Hon. Augustus C. Hand, one of the justices of the supreme court be respectfully requested to furnish the Senate, with a copy of his minutes of the trial of Theodore Olcott, late cashier of the Canal Bank of Albany, on a charge for embezzling the money of the Ogdensburgh Bank, tried in October last, with the substance of his charge to the jury, and the points of law decided by him on said trial, and that the Clerk of the Senate pay from the contingent fund, the expense of making said copy.

*Resolved*, That the Clerk of the Senate, immediately transmit the foregoing resolution to the Hon. Augustus C. Hand.

On motion of Mr. Adams,

*Resolved*, That the Nautilus Mutual Life Insurance Company of the city of New-York, report to this Legislature, as soon as may be, whether they have loaned or invested any of the funds of the company on encumbered real estate or other security prohibited by their charter, and if so, what amount; also whether the actuary, any officer or member of the company has voted for officers of the company on proxies of some time standing, and which were received of the insured at the time of issuing the policy or soon thereafter, and what number the actuary now holds, with the date of the same, and how they were obtained, whether by personal application, or through his agents; whether treasury notes, or any bonds or stocks, transferable on delivery are received and held by the actuary, for loans made by the company; whether they have paid and are still paying five per

ct. interest per annum, and if not, what interst for the use of premium notes in advance, to form the guarantee found or capital of the company; whether they have heretotore, and now continue to pay from the funds of the company, five dollars, and if not that, what sum to each of the trustees, for every attendance at meetings of the board; whether they pay ten per cent, and if not ten, what commissions, to trustees, either on their own policies, or those they may bring to the office; whether the actuary withholds monies, in his hands of the company, from deposit, and if so, for what purpose; whether the actuary acts as a trustee, and if so by what authority.

Mr. Coffin offered for the consideration of the Senate the following resolution :

*Resolved*, That Provost Veazie be, and he is hereby appointed, door-keeper of the Senate during the absence of Ransom Van Valkenburgh.

On motion of Mr. Smith,

*Ordered*, That said resolution be laid on the table.

The bill entitled, "An act in relation to the Utica Female Academy," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Hawley
Mr. Betts	Mr. Floyd	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Burch	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook		

19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to amend an act to authorise the formation of the Niagara Falls House Company, passed March 24, 1848," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. S. H. P. Hall
Mr. Betts	Mr. Fine	Mr. Hawley
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Frost	Mr. Tamblin
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Clark	Mr. Geddes	Mr. Wilkin
Mr. Coffin		

19



*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorise the further enlargement of the opening in the Albany pier between the State and Columbia street bridges," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Cook	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Martin
Mr. Bokee	Mr. Fox	Mr. Smith
Mr. Bond	Mr. Frost	Mr. Whallon
Mr. Brownson	Mr. Fuller	Mr. Wilkin
Mr. Burch	Mr. S. H. P. Hall	Mr. Williams
Mr. Coffin	Mr. W. Hall	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act for the relief of the St. Lawrence Academy and to increase the number of its trustees," coming up for its third reading,

On motion of Mr. S. H. P. Hall,

*Ordered*, That said bill be laid upon the table.

The bill from the Assembly entitled, "An act to authorise the construction of a plank road in the town of Canton," coming up for its third reading,

On motion of Mr. Bond,

*Ordered*, That said bill be recommitted to the committee of the whole.

The bill from the Assembly entitled, "An act to amend the charter of the village of Williamsburgh," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Fine	Mr. Hawley
Mr. Betts	Mr. Floyd	Mr. Johnson
Mr. Bokee	Mr. Fox	Mr. Smith
Mr. Bond	Mr. Frost	Mr. Tamblin
Mr. Brownson	Mr. Fuller	Mr. Whallon
Mr. Burch	Mr. Geddes	Mr. Wilkin
Mr. Clark	Mr. W. Hall	Mr. Williams
Mr. Cook		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act to amend the charter of the Jefferson County Institute," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Fox	Mr. Smith
Mr. Bond	Mr. Frost	Mr. Tamblin
Mr. Brownson	Mr. Fuller	Mr. Whallon
Mr. Burch	Mr. Geddes	Mr. Wilkin
Mr. Bush	Mr. S. H. P. Hall	Mr. Williams
Mr. Coffin	Mr. W. Hall	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to amend the charter of the Mansion Square Female Seminary in the village of Poughkeepsie."

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Brownson	Mr. Fuller	Mr. Whallon
Mr. Burch	Mr. Geddes	Mr. Wilkin
Mr. Bush	Mr. S. H. P. Hall	Mr. Williams

21

*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

By unanimous consent,

Mr. Smith asked for and obtained leave to introduce a bill entitled, "An act to amend chapter 214 of the laws of 1842 in relation to the poor laws," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Bush,

*Ordered*, That said bill be now engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act amendatory of an act entitled, "An act to

authorise the business of banking,' passed April 18, 1838, and the acts amending the same," and after some time spent thereon, Mr. Tamblin, from said committee, reported progress, and asked for and obtained leave to sit again.

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled, "An act to pay Enos Steele for constructing a ditch from Skajaquada to Cornelius creeks and bridges over the same, and straightening and deepening Cornelius creek in the town of Black Rock."

*Ordered,* That said bill be transmitted to the Governor.

A bill was received from the Assembly for concurrence entitled, "An act authorising the appraisal and payment of canal damages to Nirum Abbott," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to amend the charter of the city of Albany, in relation to the number and manner of electing the assessors for the said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to incorporate the trustees of the Yorkville School in the twelfth ward of the city of New-York, passed April 2, 1827," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the compensation of the treasurer of the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

And then the Senate adjourned till 11 o'clock to-morrow morning.

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## SATURDAY, 11 O'CLOCK A. M., FEBRUARY 24, 1849

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Martin.

The Journal of yesterday was read and approved.

Mr. Fox presented the petition of citizens along the Rensselaer and Columbia turnpike asking for a law compelling the erection of

a bridge over the railroad at Greenbush, which was referred to the committee on railroads.

Mr. Fox also presented a petition for the prohibition of the sale of intoxicating liquors as a beverage, which was referred to the select committee on that subject.

Mr. Geddes presented a petition on the same subject, which was referred to the same committee.

Mr. Geddes also presented the remonstrance of 297 citizens of Syracuse against the increase of tax on foreign insurance companies, which was committed to the committee of the whole.

Mr. Bush presented a remonstrance on the same subject, which was committed to the committee of the whole.

Mr. Coffin also presented the petition of sundry voters in Poughkeepsie for a law prohibiting the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. Cole presented the petition of citizens of Lewiston for the incorporation of a company to build a bridge across the Niagara river at Lewiston, which was referred to the committee on roads and bridges.

Mr. Cole also presented a petition for the prohibition of the sale of intoxicating drinks as a beverage, which was referred to the select committee on that subject.

Mr. Cole also presented two petitions of inhabitants of Genesee and Erie for a railroad on the most direct route from Batavia to Buffalo, which were referred to the committee on railroads.

Mr. Bush presented two petitions of citizens of Erie, Wyoming, Cattaraugus and Allegany for a railroad from Buffalo to Hornellsville, which was referred to the committee on railroads.

Mr. Bush presented the remonstrance of citizens of Erie county against the repeal of the law concerning passengers arriving at ports of entry, which was committed to the committee of the whole.

Mr. Hawley presented five petitions of citizens of Steuben county for free schools throughout the State, which was committed to the committee of the whole.

Mr. Fine presented a petition for the prohibition of the sale of intoxicating drinks as a beverage, which was referred to the select committee on that subject.

Mr. Whallon presented a petition for a railroad from Plattsburg to Whitehall, which was referred to the committee on railroads.

Mr. Whallon presented the memorial of citizens of Black Brook for a railroad from White Hall to Plattsburg, which was referred to the committee on railroads.

Mr. Cook, from the committee on banks and insurance companies, to which was referred so much of the Governor's message as relates to the personal responsibility of stockholders in monied corporations, made a report in writing, and asked for and obtained leave to introduce a bill entitled, "An act to enforce the responsibility of stockholders in certain banking corporations and associations, as described by the Constitution, and to provide for the

prompt payment of demands against such corporations and associations," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Johnson moved the printing of ten times the usual number of copies of said report and bill, which was referred to the committee on public printing.

Mr. Brownson, from the committee on public printing, reported in favor of printing ten times the usual number of said report.

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act to incorporate the Saugerties and Woodstock Turnpike Road Company, passed April 21, 1828," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act authorising a certiorari in certain cases," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to amend the 77th section of an act in relation to the judiciary," which was committed to the committee of the whole.

Mr. Clark, from the committee on claims, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act authorising an appraisal and payment of canal damages to Nirum Abbott."

On motion of Mr. Clark,

*Ordered*, That said bill do have its third reading.

Mr. Johnson, from the committee on railroads, reported in favor of the passage of the bill from the Assembly entitled, "An act further to amend an act to provide for the construction of a railroad from Attica to Buffalo, passed May 3, 1836," which was committed to the committee of the whole.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the town of Newtown to sell a part of their common lands," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled, 'An act to incorporate the Farmer's Mutual Insurance Company of Erie county,' passed May 14, 1845," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

Mr. Fox, from the committee on the erection and division of towns and counties, reported in favor of the passage of a bill from the Assembly entitled, "An act to annex part of the town of Sheldon to the town of Orangeville," which was committed to the committee of the whole.

Mr. Johnson, from the select committee, consisting of Senators from the 3d, 4th, 5th and 6th districts, to which was referred the petition for that purpose, reported a bill entitled, "An act to provide for the government of the department of the Alms House and Penitentiary in the city of New-York," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

On motion of Mr. Geddes,

The Senate then proceeded to the consideration of the following resolution :

*Resolved*, (if the Assembly concur) That the theodolite used in the geological survey of the State, and now in the possession of Dr. Ebenezer Emmons, be placed in custody of the executive committee of the Normal School for the use of that institution.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative.

Mr. Floyd, offered for the consideration of the Senate the following resolution :

*Resolved*, That the committee on the judiciary be instructed to report such amendments to the "Act to simplify and abridge the practice, pleadings and proceedings of the courts of this State," passed April 12, 1848, as will give to county courts the same jurisdiction which they had before the passage of said act.

The President laid before the Senate a report from the Ithaca Savings Bank in answer to a resolution of the Senate of Jan. 29, 1849, which was referred to the committee on banks and insurance companies.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act to amend an act entitled 'An act to authorise the board of supervisors of the county of Herkimer to raise money by tax and to disburse the same,' passed Sept. 21, 1847," also

"An act to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies, passed April 12, 1848."

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act requiring chattel mortgages to be registered," and after some time spent thereon, Mr. Bush, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise Benja-

min L. James and James L. Schultz to establish and continue a ferry across the Hudson River from Piermont to the opposite shore in the county of Westchester," and after some time spent thereon, Mr. Bush, from said committee, reported in favor of the passage of the same without amendment.

On motion of Mr. Smith,

*Ordered*, That said bill be recommitted to the committee of the whole.

On motion of Mr. Coffin,

The Senate then proceeded to the consideration of the question on agreeing with the report of the committee of the whole on the bill entitled, "An act to abolish capital punishment."

On motion of Mr. Tamblin,

*Ordered*, That the question on agreeing to said report be laid on the table.

By unanimous consent,

Mr. Colt, from the committee on the internal affairs of towns and counties, reported a bill entitled, "An act to extend the time for the collection of taxes in the city of Syracuse," which was read the first time, and by unanimous consent was also read the second time.

*Ordered*, That said bill do now have its third reading.

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Floyd	Mr. Smith
Mr. Brownson	Mr. Fox	Mr. Tamblin
Mr. Burch	Mr. Frost	Mr. Whallon
Mr. Bush	Mr. Fuller	Mr. Wilkin
Mr. Clark	Mr. Geddes	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act in relation to the fees and compensation of certain officers in the city and county of New-York, passed December 10, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to a select committee consisting of Senators from the 3d, 4th, 5th and 6th districts.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to amend chapter 214 of the laws of 1842 in relation to the poor laws."

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. W. Hall
Mr. Betts	Mr. Fine	Mr. Hawley
Mr. Bokee	Mr. Floyd	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Brownson	Mr. Frost	Mr. Tamblin
Mr. Burch	Mr. Fuller	Mr. Whallon
Mr. Bush	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Clark		

22

*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Wilkin,

*Resolved*, That the committee of the whole be discharged from the further consideration of the bill to organise courts of civil and criminal jurisdiction in the city of Brooklyn, and the same be referred to a select committee to report complete.

*Ordered*, That Messrs. Wilkin, Bokee and Betts, be said committee.

The bill from the Assembly entitled, "An act providing for an appraisal and payment of canal damages to Nirum Abbott," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Clark	Mr. Fuller
Mr. Betts	Mr. Coffin	Mr. S. H. P. Hall
Mr. Bokee	Mr. Cole	Mr. W. Hall
Mr. Bond	Mr. Cook	Mr. Tamblin
Mr. Brownson	Mr. Fine	Mr. Whallon
Mr. Burch	Mr. Fox	Mr. Wilkin
Mr. Bush	Mr. Frost	

20

## FOR THE NEGATIVE.

Mr. Smith

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act to amend an act entitled, 'An act to authorize the board of supervisors of the county of Herkimer to



raise money by tax and to disburse the same,' passed September 21, 1847," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. Geddes
Mr. Betts	Mr. Cole	Mr. S. H. P. Hall
Mr. Bokee	Mr. Cook	Mr. W. Hall
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Brownson	Mr. Fox	Mr. Smith
Mr. Burch	Mr. Frost	Mr. Whallon
Mr. Bush	Mr. Fuller	Mr. Wilkin
Mr. Clark		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to amend the act for the incorporation of benevolent, charitable, scientific and missionary societies, passed April 12, 1848," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Clark	Mr. S. H. P. Hall
Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bokee	Mr. Cook	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Brownson	Mr. Fox	Mr. Whallon
Mr. Burch	Mr. Frost	Mr. Wilkin
Mr. Bush	Mr. Fuller	

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
February 24, 1849. }

To the SENATE,—

I have this day approved and signed bills with the following titles, to wit :

"An act to pay Enos Steele for constructing a ditch from Skajaquada to Cornelius creeks and bridges over the same, and straightening and deepening Cornelius creek in the town of Black Rock," also

"An act to provide for the completion of the Normal School building."

HAMILTON FISH.

And then the Senate adjourned till Monday morning at 11 o'clock.

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MONDAY, 11, O'CLOCK A. M., FEBRUARY 26, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Needham.

The Journal of yesterday was read and approved.

Mr. Fox presented a petition for a bridge over the railroad crossing at Greenbush, which was referred to the committee on railroads.

Mr. Bokee presented a remonstrance of citizens of Brooklyn in relation to Hamilton Avenue.

Mr. Bokee also presented the petition of Fox, Livingston, and several hundred other merchants of New-York against the imposition of any tax upon agents of insurance companies incorporated by other states of the Union, which was committed to the committee of the whole.

Mr. Cole presented two petitions of citizens of Erie and Genesee for a railroad on the direct route from Buffalo to Batavia, which was referred to the committee on railroads.

Mr. Tamblim presented the petition of citizens of Jefferson co. for the abolition of capital punishment, which was laid on the table.

Mr. Burch presented the petition of citizens Herkimer on the same subject, which was laid on the table.

Mr. Whallon presented the petition of citizens of Clinton county for the Plattsburgh and Montreal railroad, which was referred to the committee on railroads.

Mr. Whallon also presented the petition of citizens of Essex for a railroad from Whitehall to Plattsburg, which was referred to the committee on railroads.

Mr. Cole presented a remonstrance against the repeal of the law concerning passengers arriving at ports of entry, which was referred to the committee on commerce and navigation.

Messrs Cole, Hawley, Burch and S. H. P. Hall presented petitions of citizens of Orleans, Herkimer, Chemung, Broome, Montgomery and other counties against the sale of intoxicating drinks as a beverage, which was referred to the select committee on that subject.

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act in relation to the compensation of the treasurer of the county of Monroe," which was committed to the committee of the whole.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the act to incorporate the trustees of the Yorkville School in the twelfth ward of the city of New-York, passed April 2, 1827," which was committed to the committee of the whole.

Mr. Tamblin, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the charter of the city of Albany, in relation to the number and manner of electing the assessors for the said city," which was committed to the committee of the whole.

Mr. Fox, from the committee on the erection and division of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to divide the town of Shandaken and to erect the town of Denning in the county of Ulster," which was committed to the committee of the whole.

Mr. Geddes, from the committee on roads and bridges, reported in favor of the passage of the bill entitled, "An act to incorporate the Lewiston Suspension Bridge Company," which was committed to the committee of the whole.

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill entitled, "An act in relation to the collection of fines and forfeitures in the county of Monroe and the duties of certain officers in relation thereto," which was committed to the committee of the whole.

Mr. Bond, from the committee on literature, to which was referred a petition for that purpose, reported a bill entitled, "An act in relation to the Fabius select school in the county of Onondaga," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Bond from the committee on literature, to which was referred a petition for that purpose, reported a bill entitled, "An act in relation to the Hempstead Seminary in the county of Queens," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill entitled, "An act to aid academies and promote the instruction of common school teachers," which was committed to the committee of the whole.

Mr. Hawley, from the committee on literature, reported in favor of the passage of the bill entitled, "An act to provide for a free school in district No. 5 in the town of Bath in the county of Steuben."

On motion of Mr. Hawley,

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act to authorise the executors of the last will and testament of Isaac Moser to sell certain real estate in Brooklyn, Kings county," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act authorising trustees, receivers and assignees to become petitioning creditors under certain insolvent laws," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the town of Newtown to sell a part of their common lands."

On motion of Mr. Floyd,

*Ordered*, That the said bill do have its third reading.

Mr. W. Hall, from the select committee, consisting of Senators from the 3d, 4th, 5th and 6th districts, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act for the licensing and government of the pilots of the port of New-York by the way of Sandy Hook," which was committed to the committee of the whole.

On motion of Mr. Fine,

*Ordered*, That said bill and amendments be printed.

A bill was received from the Assembly for concurrence entitled, "An act to amend the Revised Statutes in relation to summary proceedings to recover the possession of land," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the town of Little Valley in the county of Cattaraugus to raise money for the relief of Lyman S. Pratt," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to extend the time for the collection of taxes in the town of New Scotland, Albany county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Fox,

*Ordered*, That said bill do have its third reading.

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled, "An act to provide for the election of the justices of the justices' court in and for the city of Hudson."

*Ordered*, That said bill be transmitted to the Governor.

Mr. W. Hall, from the select committee, consisting of Senators from the 3d, 4th, 5th and 6th districts, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act in relation to the fees and compensation of certain officers in the city and county of New-York, passed December 10, 1847," which was committed to the committee of the whole.

Mr. Brownson, from the committee on public printing, reported in favor of printing five times the usual number of the report made by the Comptroller on the subject of the amount on loan in each of the counties of this State, in charge of the Commissioners of Loans.

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative.

Mr. W. Hall, from the committee on militia, reported a bill entitled, "An act relative to the State Arsenal in the city of New-York," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Brownson, from the committee on public printing, reported in favor of printing the usual number and five hundred copies for the use of the department, of the annual report of the Canal Board on the trade, tolls and tonnage of the canals.

The President put the question upon agreeing to the said report, and it was decided in the affirmative.

Mr Brownson from the committee on public printing, reported in favor of amending the following resolution from the Assembly so as to direct the printing five times the usual number of such documents, 500 copies for the use of the Regents of the University, and 100 copies for the office of the Secretary of State, to wit :

*Resolved*, (if the Senate concur,) That the Secretary of State be, and he is hereby directed, to cause to be printed, for the use of the Legislature, in a suitable form, the minutes of council, and such other official records in his office, prior to the revolution, as he may select ; also to procure the Dutch and French records to be translated, and when translated, published as aforesaid ; that there be printed of such papers twenty times the usual number of copies as are required to be printed of Legislative documents, and in addition thereto 1,000 copies for the use of the Regents of the University, to be used for the purpose of literary exchanges, and two hundred copies for the Secretary's office.

On motion of Mr. Bond,

The report of the committee was so amended as to direct the printing of ten times the usual number.

Mr. S. H. P. Hail moved that at the end of the resolution be inserted, "and 1,500 copies to be sold in the several counties under the direction of the Secretary of State."

On motion of Mr. Wilkin,

*Ordered*, That the report of the committee be laid on the table.

In pursuance of previous notice,

Mr. Burch asked for and obtained leave to introduce a bill entitled, "An act to incorporate the Rockton Hydraulic Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Fox gave notice that he would, at an early day, ask leave to introduce a bill to extend the time for the collection of taxes in Watervliet, Albany county.

In pursuance of previous notice,

Mr. Bond asked for and obtained leave to introduce a bill entitled, "An act in relation to the Natural History of the State of New-York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The President laid before the Senate a communication from the Hon. Amasa J. Parker, one of the justices of the supreme court, in answer to a resolution of the Senate of the 23 inst., which was referred to the select committee on the affairs of the Canal Bank.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise the Canal Commissioners to change at two points the line of the Chemung canal," and after some time spent thereon, Mr. Clark, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to provide for the collection of the fees of certain judicial and other officers," and after some time spent thereon, Mr. Clark, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act making an appropriation for the Western House of Refuge," and after some time spent thereon, Mr. Hawley, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act relative to the State Arsenal in the city of New-York," and after some time spent thereon, Mr. Hawley, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

Leave of absence was granted to Mr. Little for 7 days.

On motion of Mr. Adams,

*Resolved*, That the bill entitled, "An act to amend an act to incorporate the Saugerties and Woodstock Turnpike Road Company, passed April 21, 1828," be referred back to the committee on roads and bridges.

Leave of absence was granted to Mr. Williams for 7 days.

Mr. Floyd offered for the consideration of the Senate the following resolution :

*Resolved*, (if the Assembly concur,) That any citizen of this State have liberty to take copies for publication of the whole or any part of the minutes of council and such other official records relating to a period prior to the revolution, as may be in the office of the Secretary of State.

*Ordered*, That said resolution lie upon the table.

On motion of Mr. Geddes,

A substitute for the act entitled, "An act providing for the registry of births, marriages and deaths," as presented by him, was ordered printed.

On motion of Mr. Bond,

*Resolved*, That the act to amend the charter of the city of Troy and to provide for the establishment of free schools in said city, be recommended to the standing committee on literature.

On motion of Mr. Bokee,

*Resolved*, That the several fire insurance companies incorporated by the laws of this State, and located in the city of New-York, be requested to report to the Senate the amount of risks held by them respectively, in that district of said city, lying south of Fulton-st. and east of Broadway, including the east side of Broadway.

The bill from the Assembly entitled, "An act requiring chattel mortgages to be registered," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. S. H. P. Hall	
Mr. Betts	Mr. Fine	Mr. W. Hall	
Mr. Bokee	Mr. Fox	Mr. Hawley	
Mr. Bond	Mr. Frost	Mr. Johnson	
Mr. Clark	Mr. Fuller	Mr. Whallon	
Mr. Coffin	Mr. Geddes	Mr. Wilkin	18

FOR THE NEGATIVE.

Mr. Brownson	Mr. Martin	Mr. Tamblin	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act authorising the town of Newtown to sell a part of their common lands," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Floyd	Mr. Hawley
Mr. Bokee	Mr. Fox	Mr. Johnson
Mr. Bond	Mr. Frost	Mr. Martin
Mr. Brownson	Mr. Fuller	Mr. Smith
Mr. Clark	Mr. Geddes	Mr. Tamblin
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin
Mr. Fine		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorise the Canal Commissioners to change at two points the line of the Chenung canal," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Hawley
Mr. Betts	Mr. Fox	Mr. Johnson
Mr. Bond	Mr. Frost	Mr. Martin
Mr. Brownson	Mr. Fuller	Mr. Smith
Mr. Coffin	Mr. Geddes	Mr. Tamblin
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon
Mr. Fine	Mr. W. Hall	Mr. Wilkin

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise the appraisal and payment of canal damages sustained by Packard Bruce," and Mr. Fuller, from said committee, reported that the committee had struck out the enacting clause to said bill, which report was agreed to.

By unanimous consent,

Mr. Fox introduced a bill entitled, "An act to extend the time for the collection of taxes in the town of Watervliet in the county of Albany."

By unanimous consent,

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:



## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Hawley
Mr. Betts	Mr. Fox	Mr. Johnson
Mr. Bokee	Mr. Frost	Mr. Martin
Mr. Bond	Mr. Fuller	Mr. Smith
Mr. Burch	Mr. Geddes	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Whallon
Mr. Fine	Mr. W. Hall	Mr. Wilkin

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to repeal an act providing for the registry of births, marriages and deaths," and after some time spent thereon, Mr. Coffin, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the more effectual prevention of fires in the city of New-York and to amend the acts heretofore passed on this subject," and after some time spent thereon, Mr. Fine, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled, 'An act to consolidate and amend the act to incorporate the city of Rochester,' passed April 11, 1844, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to establish a union school in the village of Dansville," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act authorising an appraisal and payment of canal damages to Nirum Abbott."

*Ordered*, That said bill be returned to the Assembly.

And then the Senate adjourned till 11 o'clock to-morrow morning.

TUESDAY, 11 O'CLOCK A. M., FEBRUARY 27, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Jones.

The Journal of yesterday was read and approved.

Mr. Fine presented the petition of citizens of Brasher Falls for a law to prohibit the sale of ardent spirits, which was referred to the select committee on that subject.

Mr. Fine also presented a remonstrance of citizens of Canton against taxing the town on account of a plank road, which was committed to the committee of the whole.

Mr. S. H. P. Hall presented the petition of Henry E. Pierpont and others on the same subject, which was committed to the committee of the whole.

Mr. Fox presented a remonstrance against a division of the town of Schoodack, which was committed to the committee of the whole.

Mr. Tamblin presented a remonstrance against making a part of Black river a public highway, which was committed to the committee of the whole.

Mr. Cole presented two petitions of citizens of Genesee for a railroad on the most direct route from Buffalo to Batavia, which were referred to the committee on railroads.

Mr. Whallon presented the petition of citizens of Jay, Essex co. for a railroad from Plattsburgh to the Washington and Saratoga railroad, which was referred to the committee on railroads.

Mr. Burch presented a certificate of the clerk of Palatine in relation to the Palatine road, which was referred to the committee on roads and bridges.

Mr. Betts presented a remonstrance against making a part of Black river a public highway, which was committed to the committee of the whole.

Mr. Whallon presented the petition of citizens of Port Henry, Essex county, for a railroad from Whitehall to Plattsburgh, which was referred to the committee on railroads.

Mr. Bush, from the committee on agriculture, to which was referred so much of the Governor's message as relates to an agricultural school, introduced a bill entitled, "An act to establish the New-York State Agricultural College," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act entitled, 'An act to consolidate and amend the act to incorporate the city of Rochester,' passed April 11, 1844, and the several acts amendatory thereof."

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the committee on the judiciary, reported a bill entitled, "An act for increasing the number of justices in the superior court of the city of New-York and for extending the jurisdiction of that court," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, made a report in writing adverse on the bill entitled, "An act to authorise Isabella Gilchrist to hold and convey real estate," which was committed to the committee of the whole.

Mr. Cole, from the committee on the judiciary, asked to be discharged from the further consideration of the petitions of several citizens for a reduction of the rate of interest, also a bill on the same subject, which request was granted.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act entitled, 'An act to incorporate the village of Jefferson,' passed April 10, 1842," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hawley,

*Ordered*, That said bill do have its third reading.

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled, "An act to extend the time for the collection of taxes in the town of Watervliet, in the county of Albany."

*Ordered*, That said bills be transmitted to the Governor.

Mr. Johnson, from the committee on Indian affairs, to which was referred the petition for that purpose, reported a bill entitled, "An act to settle the claims of the first christian party of Oneida Indians," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Johnson, from the committee on Indian affairs, to which was referred the petition for that purpose, reported a bill entitled, "An act for creating a fund for the benefit of the Stockbridge Indians," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

On motion of Mr. Geddes,

Twice the usual number of the reports accompanying these bills were ordered printed.

Leave of absence was granted to Mr. Brownson and Mr. Geddes for 7 days each.

By unanimous consent,

Mr. Fuller introduced a bill entitled, "An act in relation to the canals and canal damages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

On motion of Mr. Fuller,

*Resolved*, That the Canal Commissioners report to the Senate the

length and width of the chamber of the enlarged Erie canal locks, and the size and form of the boat which can be passed through them; and also the form and capacity of the prism of the enlarged canal as compared with the old canal, and if any change has been made by them in the capacity of the locks and prism from that adopted by their predecessors.

On motion of Mr. Cook,

*Resolved*, That the committee on the judiciary be requested to examine and report whether any constitutional provision exists rendering a person elected to the office of Representative in Congress ineligible to retain a seat in the Legislature as a member thereof.

Mr. Frost gave notice that he would, at an early day, ask leave to bring in a bill requiring boats or vessels propelled or driven by steam to carry small boats for the protection of life in case of accident.

The bill from the Assembly entitled, "An act to amend an act entitled, 'An act to consolidate and amend the act to incorporate the city of Rochester,' passed April 11, 1844, and the several acts amendatory thereof," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Hawley
Mr. Betts	Mr. Floyd	Mr. Johnson
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Bond	Mr. Frost	Mr. Smith
Mr. Burch	Mr. Fuller	Mr. Tamblin
Mr. Clark	Mr. Geddes	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cole	Mr. W. Hall	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to extend the time for the collection of taxes in the town of New Scotland, Albany county," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Hawley
Mr. Betts	Mr. Floyd	Mr. Johnson
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Bond	Mr. Frost	Mr. Smith

Mr. Bugch  
Mr. Clark  
Mr. Coffin  
Mr. Cole

Mr. Fuller  
Mr. Geddes  
Mr. W. Hall

Mr. Tamblin  
Mr. Whallon  
Mr. Wilkin

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the act entitled, 'An act to incorporate the village of Jefferson,' passed April 11, 1842," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Burch  
Mr. Clark  
Mr. Coffin  
Mr. Cole

Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. Geddes  
Mr. S. H. P. Hall

Mr. Hawley  
Mr. Johnson  
Mr. Martin  
Mr. Smith  
Mr. Tamblin  
Mr. Whallon  
Mr. Wilkin

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act to establish a free school in district No. 5 in the village of Bath in the county of Steuben," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Burch  
Mr. Clark  
Mr. Coffin

Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. Geddes  
Mr. S. H. P. Hall

Mr. Hawley  
Mr. Johnson  
Mr. Smith  
Mr. Tamblin  
Mr. Whallon  
Mr. Wilkin

20

## FOR THE NEGATIVE.

Mr. Martin

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to provide for the collection of fees of certain judicial and other officers."

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. Geddes
Mr. Betts	Mr. Fine	Mr. S. H. P. Hall
Mr. Bokee	Mr. Floyd	Mr. Hawley
Mr. Bond	Mr. Fox	Mr. Tamblin
Mr. Burch	Mr. Frost	Mr. Whallon
Mr. Bush	Mr. Fuller	Mr. Wilkin
Mr. Clark		

19

Ordered, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to authorise and direct the surrogate of the county of Richmond to admit to probate and record the last will and testament of Joseph P. Burger, deceased," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. S. H. P. Hall
Mr. Bokee	Mr. Cook	Mr. W. Hall
Mr. Bond	Mr. Fine	Mr. Hawley
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. Fuller	Mr. Wilkin

18

FOR THE NEGATIVE.

Mr. Geddes	Mr. Johnson	Mr. Martin	3
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Ordered, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The Senate then proceeded to the consideration of executive business.

When the executive session was closed,

The bill from the Assembly entitled, "An act for the more effectual prevention of fires in the city of New-York and to amend the acts heretofore passed for that purpose," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Clark	Mr. Fox	Mr. Smith
Mr. Coffin	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. Fuller	Mr. Wilkin
Mr. Cook	Mr. W. Hall	

## FOR THE NEGATIVE.

Mr. Tamblin

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act relative to the State Arsenal in the city of New-York."

Said bill was then read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Johnson
Mr. Burch	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Cole		

## FOR THE NEGATIVE.

Mr. Floyd

Mr. S. H. P. Hall

Mr. Smith

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to amend an act entitled, 'An act to condense and amend the several acts relating to the village of Attica,' passed April 1, 1842."

Said bill was then read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Hawley	
Mr. Bond	Mr. Floyd	Mr. Johnson	
Mr. Bush	Mr. Fox	Mr. Martin	
Mr. Clark	Mr. Frost	Mr. Smith	
Mr. Coffin	Mr. Fuller	Mr. Tamblin	
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon	
Mr. Cook	Mr. W. Hall	Mr. Wilkin	21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act making an appropriation to the Western House of Refuge," and after some time spent thereon, Mr. Hawley, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
February 27, 1849. }

To the SENATE,—

I have this day approved and signed a bill entitled, "An act to provide for the election of the justices of the justices' court in and for the city of Hudson."

HAMILTON FISH.

A message was received from the Assembly, informing that they had passed the following bills without amendment :

"An act for the relief of Fernando Wood," also

"An act to extend the time for collecting the taxes in the city of Syracuse."

*Ordered*, That said bills be delivered to the Governor.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the following bills :

"An act to authorise the Canal Commissioners to change, at two points, the line of the Chemung canal," also

"An act requiring chattel mortgages to be registered."

*Ordered*, That said bills be returned to the Assembly.

A bill was received from the Assembly for concurrence entitled, "An act to pay John Ferris for the loss of a horse while acting in obedience to the direction of the sheriff of the county of Delaware," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act amendatory of the act entitled, 'An act to



authorise the business of banking,' passed April 18, 1838, and the acts amending the same," and after some time spent thereon, Mr. Bond, from said committee, reported progress, and asked for and obtained leave to sit again.

And then the Senate adjourned till 11 o'clock to-morrow morning.

WEDNESDAY, 11 O'CLOCK A. M., FEBRUARY 28, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Needham.

The Journal of yesterday was read and approved.

Messrs. Cornwell, Adams, Martin and Hawley presented several petitions in relation to the sale of intoxicating liquors, which were referred to the select committee on that subject.

Mr. Cornwell presented a memorial of the grand jury of Cayuga county praying the repeal of existing excise laws, which was referred to a select committee.

Mr. Adams presented the petition of Charles W. Cobleigh to change his name to Charles W. McCune, which was referred to the committee on the judiciary.

Mr. Cole presented two petitions of citizens of Erie and Genesee for a railroad on the most direct route from Buffalo to Batavia, which were referred to the committee on railroads.

Mr. Fine presented the petition of 500 tax paying inhabitants of the town of Canton for a law authorising the construction of a plank road upon the credit of the town of Canton, which was committed to the committee of the whole.

Mr. Fox presented the petition of 250 citizens of Troy to amend their charter and establish free schools in said city, which was referred to the committee on literature.

Mr. Hawley presented the petition of trustees of Plattsburgh to change the time of holding their charter election, which was referred to the committee on internal affairs of towns and counties.

Mr. Clark presented the petition of J. Knox for an alteration of the law of assessment, which was referred to the committee on the internal affairs of towns and counties.

Mr. Whallon presented the petition for the Whitehall, Plattsburgh and Montreal railroad, which was referred to the committee on railroads.

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act

to change the name of Charles W. Cobleigh to Charles W. McCune," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wilkin,

*Ordered*, That said bill do have its third reading.

Mr. Burch, from the committee on commerce and navigation, reported in favor of the passage of the bill entitled, "An act to incorporate the Rockton Hydraulic Company," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole.

Mr. Fox, from the committee on the erection and division of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to annex a part of the town of Rockland to the town of Liberty in the county of Sullivan," which was committed to the committee of the whole.

Mr. Coffin, from the committee on banks and insurance companies, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the act entitled, 'An act to incorporate the Farmer's Mutual Insurance Company of Erie County,' passed May 14, 1845," which was committed to the committee of the whole.

The bill entitled "An act making appropriations for the Western House of Refuge," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fox	Mr. Johnson
Mr. Burch	Mr. Frost	Mr. Martin
Mr. Bush	Mr. Fuller	Mr. Tamblin
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin
Mr. Cook		

19

FOR THE NEGATIVE.

Mr. Clark

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Coffin,

The committee of the whole were discharged from the further consideration of the bill entitled, "An act to authorise Benjamin E. James and James L. Schultz to establish and continue a ferry across the Hudson River from Piermont to the opposite shore in the county of Westchester," and it was referred to the committee on roads and bridges to report complete.

On motion of Mr. Fox,  
*Resolved*, That the Senate will hereafter meet at 10 o'clock A. M.

Mr. Adams gave notice that he would, on some future day, ask leave to introduce a bill in relation to voting by proxy.

Mr. Hawley gave notice that he would ask leave to introduce a bill to change the time of electing trustees in the village of Prattburgh in the county of Steuben for the year 1848.

The following message was received from the Governor:

EXECUTIVE CHAMBER, }  
 February 27, 1849. }

To the SENATE,—

I have this day approved and signed bills with the following titles, to wit:

"An act to incorporate the members of the East Genesee Annual Conference of the Methodist Episcopal Church," also

"An act to extend the time for the collection of taxes in the town of Watervliet, Albany county," also

"An act to extend the time for the collection of taxes in the city of Syracuse," also

"An act for the relief of Fernando Wood."

HAMILTON FISH.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act amendatory of the act entitled, 'An act to authorise the business of banking,' passed April 18, 1838, and the acts amending the same," and after some time spent thereon, Mr. Fuller, from said committee, reported progress, and asked for and obtained leave to sit again.

A message was received from the Assembly, informing that they had concurred in the resolution of the Senate relative to the use of the theodolite owned by the State.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act to amend an act entitled, 'An act to consolidate and amend the act to incorporate the city of Rochester,' passed April 11, 1844 and the several acts amendatory thereof."

On motion of Mr. Fox,

*Resolved*, That the bill entitled, "An act to amend the charter of the city of Troy and provide for the establishment of free schools in said city," be referred to a select committee to consider and report complete.

*Ordered*, That Messrs. Fox, Cornwell and Betts be said committee.

The President laid before the Senate a communication from the Attorney General transmitting a copy of the opinion of Mr. Justice McLean in the case of George Smith vs. William Turner, health commissioner, and also in the case of James Norris against the city of Boston.

Mr. Johnson moved the printing of five times the usual number of these documents, which was referred to the committee on public printing.

A message was received from the Assembly informing the Senate that they had passed the following bill with the amendments therewith delivered:

"An act authorizing the election of a police justice in the village of Poughkeepsie."

*Ordered*, That said bill and amendments be referred to the committee on the judiciary.

The President laid before the Senate a report from the Savings Bank of Utica in answer to a resolution of the Senate of April 26, 1849, which was referred to the committee on banks and insurance companies.

On motion of Mr. Bush,

*Resolved*, That the act to incorporate the Buffalo Waterworks Company be taken from the general orders of the Senate and referred to a select committee to consider and report complete.

*Ordered*, That Messrs. Bush, Frost and Adams be said committee.

And then the Senate adjourned till 10 o'clock to-morrow morning.

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## THURSDAY, 10 O'CLOCK A. M., MARCH 1, 1849.

The Senate met pursuant to adjournment.

The Journal of yesterday was read and approved.

Mr. Burch presented the petition of mill owners at Little Falls for an act of incorporation.

Mr. Cornwell presented the petition of John G. Evans of Tyre for damages for flowing lands caused by raising a lock on the Erie canal, which was referred to the committee on canals.

Mr. Whallon presented the petition of citizens of Elizabethtown for a railroad from Plattsburgh to intersect the Saratoga and Washington railroad, which was referred to the committee on railroads.

Mr. Bokee presented the petition of E. D. Hurlburt and others against any interference with the existing pilot laws, which was committed to the committee of the whole.

Mr. Fox presented the petition of citizens of Schodack against a division of said town, which was committed to the committee of the whole.

Mr. Bokee presented the petition of citizens of Brooklyn for altering the line of the Hamilton avenue, which was referred to the committee on the incorporation of cities and villages.

Mr. Burch presented the petition of citizens of Little Falls for free schools, which was laid on the table.

Mr. Smith presented a remonstrance against the repeal of the act appointing commissioners to improve the highway from Peekskill to Patterson, which was referred to the committee on roads and bridges.

Mr. Bokée presented a remonstrance of the several insurance companies of New York against the pilot law, which was committed to the committee of the whole.

Mr. Whallon presented the petition of citizens of the town of North Hudson for an alteration of their town line, which was referred to the committee on the erection and division of towns and cities.

Mr. Cornwell presented the petition of Augustus Rockwell and others praying compensation for a deficiency in lot 75 in Lysander, which was referred to the committee on claims.

Mr. Smith presented the petition of 77 citizens of Yorktown and Putnam county for the repeal of an act appointing commissioners to improve the road from Peekskill to Patterson, which was referred to the committee on roads and bridges.

Mr. Cole presented two petitions of citizens of Erie and Genesee for a railroad on the most direct route from Buffalo to Batavia, which were referred to the committee on railroads.

Messrs. Martin, Hawley and Clark, presented several petitions in relation to the sale of intoxicating liquors, which were referred to the select committee on that subject.

Mr. Adams, from the committee on finance, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the trustees of school district No. 1 in the town of German Flatts to borrow money to build a school house," which was committed to the committee of the whole.

Mr. Clark, from the committee on claims, reported in favor of the passage of the bill from the Assembly entitled, "An act to pay John Ferris for the loss of a horse while acting in obedience to the direction of the sheriff of the county of Delaware," which was committed to the committee of the whole.

Mr. Wilkin, from the majority of the committee on the judiciary, made a written report on the following resolution, which was laid on the table, to wit:

*Resolved*, That the committee on the judiciary be requested to examine and report whether any constitutional provision exists rendering a person elected to the office of Representative in Congress ineligible to retain a seat in the Legislature as a member thereof.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill entitled, "An act in relation to the Natural History of the State of New-York," which was committed to the committee of the whole.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act to

establish a union school in the village of Dansville," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the Revised Statutes in relation to summary proceedings to recover possession of land," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act relative to suits by and against joint stock companies and associations," which was committed to the committee of the whole.

Mr. Smith, from the select committee, reported complete the bill entitled, "An act to authorise Benjamin L. James and James L. Schultz to establish and continue a ferry across the Hudson river from Piermont to the opposite shore in the county of Westchester."

*Ordered*, That said bill do have its third reading.

Mr. Bush, from the select committee, reported complete the bill entitled, "An act to incorporate the Buffalo Waterworks Company."

*Ordered*, That the said bill do have its third reading.

A message was received from the Assembly informing that they do non-concur in the amendments of the Senate to the bill entitled, "An act to authorise the further enlargement of the opening in the Albany pier between the State and Columbia street bridges," and request a committee of conference thereon, and in case the Senate agree thereto, that Messrs Pruyn, Wing, Barber, W. S. Smith and Bowen, be of such committee on the part of that House.

On motion of Mr. Burch,

The Senate agreed to the appointment of a committee of conference, and Messrs. Burch, Frost and Betts were appointed as such committee on the part of the Senate.

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled, "An act to amend an act entitled, 'An act to condense and amend the several acts relating to the village of Albion,' passed April, 1842."

*Ordered*, That said bill be transmitted to the Governor.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act for the relief of partners and joint debtors, passed April 18, 1838," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act authorising the supervisor and any two justices of the peace of Southampton in the county of Suffolk to appoint a collector of taxes for said town," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Floyd,

*Ordered*, That said bill do have its third reading.

A bill was received from the Assembly for concurrence entitled, "An act to designate the time of holding courts of sessions in the

county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent,

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of said bill.

*Ordered*, That said bill do have its third reading.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the Fultonville and Johnstown Railroad Company to erect a bridge across the Mohawk river Fultonville and Fonda," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to authorise a tax on the town of Potsdam to rebuild a bridge over the Racket river in the town of Potsdam," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to extend the time for the collection of taxes in the town of Bethlehem in the county of Albany."

On motion of Mr. Fuller,

*Ordered*, That said bill do have its third reading.

Mr. Clark gave notice that he would, at an early day, ask leave to introduce a bill to amend and consolidate the several acts relating to the city of Utica.

In pursuance of previous notice,

Mr. Adams asked for and obtained leave to introduce a bill entitled, "An act in relation to voting by proxies in incorporated mutual insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

Mr. Bokee presented the reply of the Nautilus Insurance Company of New-York to a resolution of the Senate of Feb. 23, 1849, which was referred to the committee on banks and insurance companies.

The President laid before the Senate the annual report of the Regents of the University.

Mr. S. H. P. Hall moved the printing of 1,000 copies for the use of the Regents, which was referred to the committee on public printing.

The President laid before the Senate a communication from the Canal Commissioners in answer to a resolution of the Senate of the 28th February, 1849.

Mr. Fuller moved the printing of ten times the usual number and 1,000 copies for the use of the commissioners, which was referred to the committee on public printing.

The following message was received from the executive department:

EXECUTIVE CHAMBER, }  
February 28, 1849. }

Hon. A. H. CALHOUN,  
*Clerk of the Senate :*

I am directed by the Governor to send you herewith a copy of the "Laws of New Hampshire," passed at the November session, 1848," to be deposited in the Senate library;

Very respectfully your obt't serv't,

R. H. MORRIS, *Private Sec'y.*

By unanimous consent;

Mr. Cook presented the memorial of citizens of Washington co. against the repeal of the act concerning the landing of emigrants at ports north of the city of Albany, which was committed to the committee of the whole.

By unanimous consent;

Mr. Johnson presented the petition of an association for the relief of respectable and aged indigent families, in the city of New-York, to continue their incorporation, which was referred to the committee on charitable and religious societies.

On motion of Mr. Bond;

*Ordered,* That the bill from the Assembly entitled, "An act to authorise the construction of a plank road in the town of Canton," be taken from the general orders and referred back to the committee on roads and bridges.

On motion of Mr. W. Hall;

*Resolved,* That the petitions and papers relating to the Foreign Fire Insurance Company be taken from the Files of the Senate and referred to the committee on banks and insurance companies.

On motion of Mr. Bush;

*Resolved,* That the Assembly bill entitled, "An act to amend an act to incorporate the Buffalo and Hamburg Turnpike Company," be taken from the general orders and referred to a select committee to consider and report complete.

*Ordered,* That Messrs. Bush, Frost and Betts be said committee.

On motion of Mr. Adams;

*Resolved,* That the bill entitled, "An act to divide the town of Shandaken and to erect the town of Deming in the county of Ulster," be taken from the general orders and referred to a select committee to consider and report complete.

*Ordered,* That Messrs. Adams, Fox and W. Hall be said committee.

On motion of Mr. Smith;

*Resolved,* That the bill entitled, "An act to authorise the trustees of the late West Point Foundry Association to sell real estate," be referred to a select committee to consider and report complete.

*Ordered,* That Messrs. Smith, Johnson and Coffin be said committee.



On motion of Mr. Floyd,

*Resolved*, That the honorable the Assembly be respectfully requested to transmit to this body the remonstrance against the resolution of the New-York chamber of commerce against a change of the site of the quarantine establishment, and that when received the same be printed.

On motion of Mr. Clark,

*Resolved*, That the bill authorising suits by and against joint stock companies and associations be referred to a select committee to consider and report complete.

*Ordered*, That Messrs. Clark, Williams and Hawley be said committee.

The Senate then proceeded to the consideration of the following resolution :

*Resolved*, (if the Senate concur,) That the Secretary of State be, and he is hereby directed, to cause to be printed, for the use of the Legislature, in a suitable form, the minutes of council, and such other official records in his office, prior to the revolution, as he may select ; also to procure the Dutch and French records to be translated, and when translated, published as aforesaid ; that there be printed of such papers twenty times the usual number of copies as are required to be printed of Legislative documents, and in addition thereto 1,000 copies for the use of the Regents of the University, to be used for the purpose of literary exchanges, and two hundred copies for the Secretary's office.

Mr. Cole moved to strike out of said resolution the words "twenty times the usual number of copies as are required to be printed of legislative documents," and insert "two thousand five hundred copies."

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

Mr. Cole moved to amend so that the documents should be printed both in the original and English languages.

The President put the question upon agreeing to the said motion, and it was decided in the negative.

Mr. Fuller moved so to amend the resolution as to direct the printing of 500 copies instead of 1,000 for the use of the Regents of the University, and 100 instead of 200 copies for the office of Secretary of State.

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

Mr. Bush moved to lay the further consideration of said resolution on the table.

The President put the question upon agreeing to the said motion, and it was decided in the negative.

Mr. Floyd moved that the resolution heretofore offered by him be substituted for said resolution, which is as follows :

*Resolved*, (if the Assembly concur,) That any citizen of this State have liberty to take copies for publication of the whole or any part of the minutes of council and such other official records

relating to a period prior to the revolution, as may be in the office of the Secretary of State.

The President then put the question upon agreeing to the motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cook	Mr. Martin
Mr. Burch	Mr. Floyd	Mr. Smith
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin

15

FOR THE NEGATIVE.

Mr. Bond	Mr. Cornwell	Mr. Fuller
Mr. Bush	Mr. Frost	Mr. S. H. P. Hall
Mr. Cole		

7

Mr. S. H. P. Hall moved a reconsideration of said vote, and

On motion of Mr. S. H. P. Hall,

*Ordered*, That said motion be laid on the table.

On motion of Mr. Clark,

*Resolved*, That the bill from the Assembly entitled, "An act to pay John Ferris for the loss of a horse while acting in obedience to the direction of the sheriff of the county of Delaware," be referred to a select committee to consider and report complete.

*Ordered*, That Messrs. Betts, Clark and Fox, be said committee.

On motion of Mr. Martin,

*Ordered*, That the act establishing free education throughout the State be recommitted to the committee of the whole.

By unanimous consent,

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act for the relief of partners and joint debtors, passed April 18, 1838," which was committed to the committee of the whole.

The bill from the Assembly entitled, "An act to authorise Benjamin L. James and James L. Schultz to establish and maintain a ferry across Hudson river from Piermont to the opposite shore in the county of Westchester," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. W. Hall
Mr. Betts	Mr. Colt	Mr. Johnson
Mr. Bond	Mr. Cook	Mr. Martin
Mr. Burch	Mr. Floyd	Mr. Smith

Mr. Bush  
Mr. Clark  
Mr. Coffin

Mr. Fox  
Mr. Frost  
Mr. Fuller

Mr. Tamblin  
Mr. Whallon  
Mr. Wilkin

21

## FOR THE NEGATIVE.

Mr. S. H. P. Hall

Mr. Hawley

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to incorporate the Buffalo Waterworks Company," coming up for a third reading.

On motion of Mr. Martin,

*Ordered*, That said bill be referred to the committee of the whole, and made the special order for to-morrow.

By unanimous consent,

Mr. Bond presented the remonstrance of J. H. Titus, J. F. Cooper, G. C. Verplanck and others against the passage of the law imposing a tax for the building of a plank road, which was referred to the committee on roads and bridges.

The bill from the Assembly entitled, "An act to designate the time of holding courts of sessions in the county of Albany," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bond  
Mr. Burch  
Mr. Bush  
Mr. Clark  
Mr. Coffin

Mr. Cole  
Mr. Colt  
Mr. Cook  
Mr. Floyd  
Mr. Frost  
Mr. S. H. P. Hall  
Mr. W. Hall

Mr. Hawley  
Mr. Johnson  
Mr. Martin  
Mr. Smith  
Mr. Tamblin  
Mr. Whallon  
Mr. Wilkin

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to extend the time for the collection of taxes in Bethlehem, Albany county," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bond  
Mr. Burch

Mr. Colt  
Mr. Cook  
Mr. Floyd  
Mr. Frost

Mr. Hawley  
Mr. Johnson  
Mr. Martin  
Mr. Smith

Mr. Bush  
Mr. Clark  
Mr. Coffin  
Mr. Cole

Mr. Fuller  
Mr. S. H. P. Hall  
Mr. W. Hall

Mr. Tamblin  
Mr. Whallon  
Mr. Wilkin

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act authorising the supervisor and any two justices of the peace of the town of Southampton in the county of Suffolk to appoint a collector of taxes for said town," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Burch  
Mr. Bush  
Mr. Clark  
Mr. Coffin  
Mr. Cole  
Mr. Colt

Mr. Cook  
Mr. Cornwell  
Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. S. H. P. Hall

Mr. W. Hall  
Mr. Hawley  
Mr. Johnson  
Mr. Martin  
Mr. Smith  
Mr. Whallon  
Mr. Wilkin

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to change the name of Charles W. Cobleigh to Charles C. McCune,"

*Ordered,* That said bill do now have its third reading.

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bond  
Mr. Burch  
Mr. Bush  
Mr. Clark  
Mr. Coffin

Mr. Cole  
Mr. Colt  
Mr. Cook  
Mr. Floyd  
Mr. Fuller  
Mr. W. Hall  
Mr. Hawley

Mr. Johnson  
Mr. Martin  
Mr. Smith  
Mr. Tamblin  
Mr. Whallon  
Mr. Wilkin

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The President laid before the Senate the report of the Washington Mutual Insurance Company in answer to a resolution of the Senate of the 16th February, 1849.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to authorise the trustees of school district No. 1 in the town of German Flatts to borrow money to build a school house," and after some time spent thereon, Mr. Cornwell, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to amend the act providing for the incorporation of the Canandaigua and Corning Railroad Company," and after some time spent thereon, Mr. Cornwell, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act amendatory of the act entitled, 'An act to authorise the business of banking,' passed April 18, 1838, and the acts amending the same," and after some time spent thereon, Mr. Fuller, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Cornwell,

*Ordered*, That the bill and the substitute offered for the third section by Mr. Clark, be printed

A message was received from the Assembly, informing that they had passed the following bills without amendment :

"An act to amend an act entitled, 'An act to authorise the board of supervisors of the county of Herkimer to raise money by tax and to disburse the same,' passed September 21, 1847," also

"An act authorising the payment of a sum of money to John Cammerdon for giving information of an escheat."

*Ordered*, That said bills be delivered to the Governor.

A bill was received from the Assembly for concurrence entitled, "An act respecting highways in the town of Prattsburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to incorporate the American Female Guardian Society," and after some time spent thereon, Mr. W. Hall, from said committee, reported progress.

On motion of Mr. Tamblin,

*Ordered*, That said bill be referred to a select committee consisting of Messrs. Tamblin, Frost and Fuller, to consider and report complete.

And then the Senate adjourned till 10 o'clock to-morrow morning.

FRIDAY, 10 O'CLOCK A. M., MARCH 2, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Morrow.

The Journal of yesterday was read and approved.

Mr. S. H. P. Hall presented the remonstrance of citizens of Chemung county against inaking a loan to the counties of the State, which was committed to the committee of the whole.

Mr. Coffin presented the petition of citizens of Dutchess for a law to prohibit the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. Hawley presented a petition on the same subject, which was referred to the same committee.

Mr. Cole presented a petition for a railroad on the most direct route from Batavia to Buffalo, which was referred to the committee on railroads.

Mr. Fuller presented a petition for a railroad from Lewiston to Niagara Falls, which was referred to the committee on railroads.

Mr. Frost presented the petition of George Griffin, Mr. Bond and other citizens of New-York for a law organising the Alms House department in said city, which was committed to the committee of the whole.

Mr. Fox presented the petition of 142 citizens of Troy to amend the Troy city charter and to establish free schools, which was referred to a select committee.

Mr. Wilkin, from the committee on the judiciary, reported in favor of concurring in the amendments of the Assembly to the bill entitled, "An act authorising the election of a police justice in the village of Poughkeepsie."

The President put the question whether the Senate would agree to the amendments, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Martin
• Mr. Burch	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment thereto.

**On motion of Mr. Smith,**

The committee on poor laws were discharged from the further consideration of the petition of citizens of Jefferson co. for a law preventing the evils of intemperance; and it was referred to the select committee on that subject.

Mr. Cornwell, from the majority of the committee on railroads, reported in writing in favor of the passage of the bill from the Assembly entitled, "An act to declare the public use of a railroad from Auburn to Binghamton," which was committed to the committee of the whole.

*Ordered,* That three times the usual number of the report on this bill be printed.

Mr. Cornwell, from the majority of the committee on railroads, to which was referred a petition for that purpose, reported a bill entitled, "An act to declare the public use of a railroad from Batavia to Buffalo," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Fuller, from the committee on canals, reported in favor of the passage, with amendments, of the bill entitled, "An act in relation to the canals and canal damages," which was committed to the committee of the whole.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise a tax on the town of Potsdam to rebuild a bridge over the Racket river in the town of Potsdam," which was committed to the committee of the whole.

Mr. Bush, from the select committee, reported complete the bill entitled, "An act further to amend an act to incorporate the Buffalo and Hamburg Turnpike Company, passed January 23, 1830."

*Ordered,* That said bill do have its third reading.

Mr. Cook, from the committee on banks and insurance companies, asked to be discharged from the further consideration of the resolution of enquiry in relation to the Nautilus Insurance Company of the city of New-York, to which the Senate agreed.

Mr. W. Hall, from the committee on public printing, reported in favor of printing the usual number of the report of the decision of the supreme court of the United States in the suit of George Smith vs. Wm. Turner, health commissioner, and James Norris vs. the city of Boston, and 250 copies for the use of the Senators from the 3d, 4th, 5th and 6th districts.

The President put the question upon agreeing to the said report, and it was decided in the affirmative.

Mr. W. Hall, from the committee on public printing, reported in favor of printing five times the usual number of the report of the Canal Commissioners in relation to enlarged Erie canal locks and the size of the prism of the canal, and 500 copies for the use of the commissioners.

The President put the question upon agreeing to the said report, and it was decided in the affirmative.

Mr. W. Hall, from the committee on public printing, reported in favor of printing the usual number of copies of the annual report of the Regents of the University, and 1,000 copies for the use of the Regents.

The President put the question upon agreeing to said report, and it was decided in the affirmative.

Mr. Burch, from the committee on commerce and navigation, reported adverse on the petition of inhabitants of Urbana praying that a portion of the inlet of Crooked Lake may be declared a public highway, which report was agreed to.

Thereupon,

*Resolved*, That the prayer of the petitioners be denied.

Mr. Tamblin, from the select committee, reported complete, with amendments, the bill entitled, "An act to incorporate the American Female Guardian Society."

*Ordered*, That the said bill do have its third reading.

Mr. Hawley, from the select committee, reported complete the bill entitled, "An act to change the time of holding the annual election of officers in the village of Prattsburgh in the county of Steuben in the year 1849."

*Ordered*, That said bill do have its third reading.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the following bills:

"An act to authorise Benjamin L. James and James L. Schultz to establish and continue a ferry across Hudson river from Piermont to the opposite shore in the county of Westchester," also

"An act for the more effectual prevention of fires in the city of New-York and to amend the acts heretofore passed for that purpose."

*Ordered*, That said bills be returned to the Assembly.

In pursuance of previous notice,

Mr. Clark asked for and obtained leave to introduce a bill entitled, "An act to amend and consolidate the several acts relating to the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice,

Mr. Bond asked for and obtained leave to introduce a bill entitled, "An act to authorise the Commissioners of the Land Office to sell unappropriated lands," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent,

Mr. Wilkin introduced a bill entitled, "An act authorising the Governor and Comptroller to audit the accounts of counsel in the case of George Smith vs. William Turner in the supreme court of the United States," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.



Mr. Fox gave notice that he would, at an early day, ask leave to introduce a bill for the appointment of commissioners to ascertain and apportion the compensation to be made for taking private property for public use in the city of Troy.

Mr. Colt gave notice that he would, on some future day, ask leave to introduce a bill to equalise the canal tolls on foreign salt and salt manufactured in this State.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend an act entitled, 'An act to incorporate the city of Oswego,' passed March 24, 1848," and after some time spent thereon, Mr. Floyd, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to declare the public use of a railroad from Auburn to Binghamton," and after some time spent thereon, Mr. Floyd, from said committee, reported in favor of the passage of the same without amendment.

Mr. Bush moved that the question on agreeing with said report be laid on the table.

The President put the question upon agreeing to the said motion, and it was decided in the negative.

The report was then agreed to, and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act establishing free schools throughout the State," and after some time spent thereon, Mr. Bokee, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to pay Francis Bates certain sums of moneys for fines, costs and expenses paid by him in consequence of taking Barney Hiers, an escaped convict," and after some time spent thereon, Mr. Bokee, from said committee, reported progress, and asked for and obtained leave to sit again.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
March 1, 1849. }

To the SENATE,—

I have this day approved and signed bills with the following titles, to wit :

"An act to amend an act entitled, 'An act to condense and amend the several acts relating to the village of Albion,' passed April 1, 1842," also

"An act to amend an act entitled, 'An act to authorise the board of supervisors of the county of Herkimer to raise money by tax and to disburse the same,' passed September 21, 1847," also

"An act authorising the payment of a sum of money to John Cammerdon for giving information of an escheat."

HAMILTON FISH.

A bill was received from the Assembly for concurrence entitled, "An act making appropriations for the support of common schools for the years 1849 and 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act authorising the construction of a canal in the city of Brooklyn for drainage and other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

On motion of Mr. S. H. P. Hall,

*Resolved*, That the bill entitled, "An act authorising the supervisors of the county of Chemung to borrow money to build a jail," be taken from the general orders and recommitted to the committee on the internal affairs of towns and counties.

On motion of Mr. S. H. P. Hall,

The Senate agreed to reconsider the vote adopting the following resolution :

*Resolved*, (if the Assembly concur,) That any citizen of this State have liberty to take copies for publication of the whole or any part of the minutes of council and such other official records relating to a period prior to the revolution, as may be in the office of the Secretary of State.

The question then being on agreeing to said resolution,

On motion of Mr. Cornwell,

It was referred to a select committee consisting of Messrs. Cornwell, Adams and S. H. P. Hall.

The Senate then proceeded to the consideration of the following resolution :

*Resolved*, (if the Senate concur,) That Lieutenant Colonel William Wallace Smith Bliss, by his noble and gallant bearing in the service of his country, has reflected distinguished honor upon his native State, and is, therefore, entitled to the thanks of her people, which are hereby tendered him ; and that, in token of their appreciation of his worth as a soldier and a man, the governor be requested to procure a gold medal, with suitable devices and inscriptions, and present the same to Colonel Bliss in the name of the people of this State, together with a copy of this resolution, and that one copy of such medal shall be deposited in the military academy at West Point and one copy of such medal shall be deposited in the state library.

On motion of Mr. Wilkin,

Said resolution was referred to a select committee consisting of Messrs. Wilkin, Hawley and Burch.

On motion of Mr. Floyd,

The resolution heretofore offered by Mr. Fuller in relation to the

award of a medal to Capt. W. H. Merrill, was referred to the same committee.

The bill entitled, "An act authorising the trustees of school district No 1 in the town of German Flatts to borrow money to build a school house," was read the third time and lost, three-fifths of all the members elected to the Senate not being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bond	Mr. Cornwell	Mr. Martin
Mr. Burch	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt		

19

On motion of Mr. Cornwell,

The Senate then proceeded to the consideration of the following joint resolution from the Assembly, to wit :

*Resolved*, (if the Senate concur,) That the State Engineer and Surveyor be authorised to prepare a map of this State on a large scale, on which shall be delineated the lines of every railroad and canal now constructed or in process of construction, and also the lines of projected railroads and canals; one copy of said map to be hung in the cloak room of the Assembly chamber and the other in the cloak room of the Senate, provided however that the cost of preparing the same shall not exceed the sum of two hundred dollars.

The President put the question upon agreeing to the said resolution, and it was decided in the negative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate do non-concur in the passage thereof.

And then the Senate adjourned till 10 o'clock to-morrow morning.

SATURDAY, 10 O'CLOCK A. M., MARCH 3, 1849

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Morrow.

The Journal of yesterday was read and approved.

Mr. Frost presented the petition of Mrs. H. R. Kearney and others, heirs of the late Charles McKnight for relief, which was referred to the committee on claims.

Messrs. Fox, Adams and Betts presented petitions for a law to prohibit the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. Fuller presented a remonstrance against the repeal of an act relating to the Madison University, passed April 3, 1848.

On motion of Mr. Fuller,

*Ordered*, That said memorial be printed.

Mr. Fox presented a petition for free schools in Troy.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act authorising a canal in the city of Brooklyn for the purpose of drainage."

On motion of Mr. Bokee,

*Ordered*, That said bill be referred to a select committee consisting of Messrs. Clark, Smith and Fox, to consider and report complete.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to authorise the Commissioners of the Land Office to sell unappropriated lands," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported adverse to the passage of the bill from the Assembly entitled, "An act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city," which was committed to the committee of the whole.

Mr. Betts, from the select committee, reported complete the bill entitled, "An act to pay John Ferris for the loss of a horse while acting in obedience to the direction of the sheriff of the county of Delaware."

*Ordered*, That said bill do have its third reading.

Mr. Adams, from the select committee, reported complete the bill entitled, "An act to divide the town of Shandaken and to erect the town of Denning in the county of Ulster."

*Ordered*, That said bill do have its third reading.

Mr. Clark, from the select committee, reported complete the bill entitled, "An act authorising a canal in the city of Brooklyn for the purpose of drainage."

*Ordered*, That said bill do have its third reading.

In pursuance of previous notice,

Mr. Colt asked for and obtained leave to introduce a bill entitled, "An act to equalise the tolls upon the canals for the transportation of foreign salt and that manufactured in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

In pursuance of previous notice,

Mr. Bond asked for and obtained leave to introduce a bill entitled, "An act in relation to the village of Hamilton," which was read the first time, and by unanimous consent was also read the second

time, and referred to the committee on the incorporation of cities and villages.

On motion of Mr. Wilkin,

*Resolved*, That the select committee to whom was referred the reports of the commissioners on practice and pleadings, be authorised to employ a clerk.

On motion of Mr. Wilkin,

*Ordered*, That the select committee to whom was referred the reports of the commissioners on practice and pleadings be authorised to order printed from time to time their amendments for their own use and the use of the Senate.

Mr. Wilkin, from the committee on the judiciary, reported a bill entitled, "An act for increasing the number of justices in the superior court of the city of New-York and for extending the jurisdiction of that court," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

The Senate then proceeded to the consideration of the following resolution :

*Resolved*, That the committee on the judiciary be instructed to report such amendments to the "Act to simplify and abridge the practice, pleadings and proceedings of the courts of this State," passed April 12, 1848, as will give to county courts the same power and jurisdiction which they had before the passage of said act.

The President then put the question upon agreeing to said resolution, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Tamblin	
Mr. Betts	Mr. Smith	Mr. Whallon	6

#### FOR THE NEGATIVE.

Mr. Bokee	Mr. Cook	Mr. S. H. P. Hall	
Mr. Burch	Mr. Fine	Mr. Martin	
Mr. Cole	Mr. Fox	Mr. Wilkin	
Mr. Colt	Mr. Fuller		11

The bill from the Assembly entitled, "An act authorising the construction of a canal in the city of Brooklyn for drainage and other purposes," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Fuller
Mr. Betts	Mr. Colt	Mr. S. H. P. Hall
Mr. Bokee	Mr. Cook	Mr. Hawley

Mr. Bond	Mr. Cornwell	Mr. Martin
Mr. Burch	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Wilkin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorize the trustees of school district No. 1 in the town of German Flatts to borrow money to build a school house," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. S. H. P. Hall
Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Burch	Mr. Floyd	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. Fuller	Mr. Wilkin

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act further to amend the act to incorporate the Buffalo and Hamburg Turnpike Company, passed January 23, 1839," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Burch	Mr. Floyd	Mr. Tamblin
Mr. Bush	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act to amend the act entitled, 'An act to incorporate the Canandaigua and Corning Railroad Company,'" was

read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. Frost
Mr. Betts	Mr. Cole	Mr. S. H. P. Hall
Mr. Bokee	Mr. Colt	Mr. Hawley
Mr. Bond	Mr. Cook	Mr. Martin
Mr. Burch	Mr. Cornwell	Mr. Smith
Mr. Bush	Mr. Fine	Mr. Whallon
Mr. Clark	Mr. Fox	Mr. Wilkin
		21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to declare the public use of a railroad from Auburn to Binghamton," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Coffin	Mr. Frost	Mr. Tamblin
Mr. Cole	Mr. Fuller	Mr. Whallon
		21

## FOR THE NEGATIVE.

Mr. Burch	1
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Mr. Burch moved to reconsider the vote by which the Senate agreed to the passage of said bill, and that this motion be laid on the table.

The President put the question upon agreeing to the said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Burch	Mr. Fine	Mr. Smith
Mr. Clark	Mr. Floyd	
		5

## FOR THE NEGATIVE.

Mr. Adams	Mr. Cole	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Whallon
		18

The question then being on the reconsideration of said vote on the final passage of said bill,

The President put the question upon agreeing to reconsider said vote, and it was decided in the negative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act respecting highways in the village of Prattsburgh," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Fuller
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Floyd	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark		

16

FOR THE NEGATIVE.

Mr. Cook	Mr. W. Hall
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2

Mr. Hawley moved a reconsideration of said vote.

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Burch	Mr. Frost	Mr. Tamblin
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Clark	Mr. S. H. P. Hall	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to pay John Ferris for the loss of a horse while acting in obedience to the direction of the sheriff of the county of Delaware," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :



## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Fine	Mr. Hawley
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to divide the town of Shandaken and to erect the town of Denning in the county of Ulster," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. S. H. P. Hall
Mr. Betts	Mr. Cornwell	Mr. W. Hall
Mr. Bokee	Mr. Fine	Mr. Hawley
Mr. Bond	Mr. Floyd	Mr. Smith
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Colt	Mr. Fuller	Mr. Wilkin

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act to change the time of holding the annual election of officers in the village of Prattsburgh in the county of Steuben in the year 1849," also

"An act to amend an act to incorporate the city of Oswego, passed March 24, 1848," also

"An act to incorporate the American Female Guardian Society."

The bill entitled, "An act to change the time of holding the annual election of officers in the village of Prattsburgh in the county of Steuben in the year 1849," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. S. H. P. Hall
Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bokee	Mr. Cook	Mr. Hawley
Mr. Bond	Mr. Cornwell	Mr. Martin
Mr. Burch	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. Fuller	

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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to incorporate the American Female Guardian Society," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Fine	Mr. Hawley
Mr. Bond	Mr. Floyd	Mr. Smith
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Clark	Mr. Fuller	Mr. Wilkin
Mr. Cole		

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FOR THE NEGATIVE.

Mr. Martin	1
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to amend an act entitled, 'An act to incorporate the city of Oswego,' passed March 24, 1848," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Burch	Mr. Floyd	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. Fuller	Mr. Wilkin
Mr. Cole		

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*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

Mr. Fox, from the select committee, reported complete the bill entitled, "An act to amend the charter of the city of Troy and to provide for free schools in said city."

*Ordered*, That said bill do have its third reading.

Said bill was then read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Wilkin
Mr. Cole	Mr. Fuller	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to pay Francis Bates certain sums of moneys for fines, costs and expenses paid by him in consequence of taking Barney Hiers, an escaped convict," and after some time spent thereon, Mr. Bokee, from said committee, reported progress.

The question being on granting leave to said committee to sit again,

The President put the question upon granting such leave, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Coffin	Mr. Fine
Mr. Burch	Mr. Cole	Mr. Martin
Mr. Bush	Mr. Colt	Mr. Tamblin
Mr. Clark	Mr. Cook	Mr. Whallon

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## FOR THE NEGATIVE.

Mr. Adams	Mr. Frost	Mr. Smith
Mr. Bokee	Mr. W. Hall	Mr. Wilkin
Mr. Cornwell		

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And then the Senate adjourned till Monday morning at 10 o'clock.

MONDAY, 10, O'CLOCK A. M., MARCH 5, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Potter.

The Journal of Saturday was read and approved.

Mr. Coffin presented the petition of supervisors of Columbia co. for a law authorising said board to purchase land for the use of county poor house, which was referred to the committee on the internal affairs of towns and counties.

Mr. S. H. P. Hall presented the petition of James Kidd, Erastus Corning and others against any tax for the purpose of building a plank road, which was referred to the committee on roads and bridges.

Mr. Adams presented a petition for a law prohibiting the sale intoxicating drinks, which was referred to the select committee on that subject.

Mr. Whallon presented a petition for a railroad from Whitehall to Plattsburgh, which was referred to the committee on railroads.

Mr. Fine, from the committee on railroads, to which was referred the petition for that purpose, reported a bill entitled, "An act to declare the public use of a railroad from Plattsburgh to the Canada line," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Cornwell, from the committee on railroads, to which was referred a petition for that purpose, reported a bill entitled, "An act to declare the public use of a railroad from Lewiston to Niagara Falls," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Martin, from the committee on canals, to which was referred the petition for that purpose, reported a bill entitled, "An act to continue in force the act to authorise Jonas C. Baldwin to erect a dam across the Seneca river, passed February 24, 1809, and the act to continue in force the act passed February 24, 1809, authorising Jonas C. Baldwin to erect a dam across Seneca river, passed April 27, 1827," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. W. Hall, from the committee on militia, to which was referred a petition for that purpose, reported a bill entitled, "An act relative to the expenses incurred in enforcing the law and preserving order in the county of Dutchess," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Hawley, from the select committee appointed at the last session to investigate the circumstances attending the destruction of certain buildings at Astoria, reported a bill entitled, "An act to pay William W. Niles for the destruction of his property on Long Island farms," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, to which was referred the petition for that purpose, reported a bill entitled, "An act authorising the board of supervisors of Columbia county to purchase a piece of land," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Corawell, from the select committee, to which was referred the petition of J. W. Paige and others praying for a suitable mark of approbation to be bestowed upon Prof. Morse for the invention of the magnetic telegraph, made a report in writing and introduced the following resolution :

*Resolved*, (if the Assembly concur,) That his Excellency the Governor cause to be prepared a suitable medal, with proper devices, and present the same to Prof. Morse, with the thanks of the people of this State, as a testimonial of scientific merit, and of their appreciation of the benefits conferred and to result from the invention and use of the magnetic telegraph.

*Ordered*, That said resolution lie upon the table.

On motion of Mr. Smith,

*Resolved*, That the bill entitled, "An act granting lands under water in Philipstown, Putnam county, to Ward B. Howard," be taken from the general orders and referred to a select committee to consider and report complete.

*Ordered*, That Messrs. Smith, Coffin and Adams be said committee.

On motion of Mr. Burch,

*Resolved*, That the standing committee on banks and insurance companies be requested to examine the law passed December 4, 1847, requiring quarterly reports from the banks to be made to the Comptroller, and which makes it the duty of the Comptroller to examine into the affairs of any bank whenever in his opinion there shall be good cause to suspect that such bank is in an unsound or unsafe condition, and report to the Senate such amendments as will, in their judgment, tend to prevent fraudulent practices of the officers of banks, secure more perfect quarterly returns, and more effectually secure the public against losses by the failure of these institutions.

On motion of Mr. Whallon,

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise the superintendents of the poor of the county of Essex to enlarge and repair the county poor house of said county," and after some time spent thereon, Mr. Cole, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Bush,

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to incorporate the Buffalo Waterworks Company," and after some time spent thereon, Mr. Cole, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Coffin,

*Resolved*, That the bill authorising the supervisors of Columbia county to purchase and hold a piece of land for the use of the coun-

ty poor house, be taken from the general orders and referred to a select committee to consider and report complete.

*Ordered*, That Messrs. Coffin, Betts and W. Hall be said committee.

On motion of Mr. S. H. P. Hall,

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act making appropriations for the support of common schools for the years 1849 and 1850," and after some time spent thereon, Mr. Clark, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. S. H. P. Hall,

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to aid academies and to promote the education of common school teachers," and after some time spent thereon, Mr. Clark, from said committee, reported progress, and asked for and obtained leave to sit again.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act relating to the New-York and Harlaem Railroad Company, passed May 7, 1840, and the acts amending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A bill was received from the Assembly for concurrence entitled, "An act authorising the appraisal and payment of canal damages to Mary Murray and others," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

On motion of Mr. Fox,

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend an act in relation to the city of Troy," and after some time spent thereon, Mr. Fine, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Fuller,

*Resolved*, That the bill entitled, "An act to incorporate the Savings Institution of the city of Syracuse," be taken from the general orders and referred to a select committee to consider and report complete.

*Ordered*, That Messrs. Fuller, Fox and Bush, be said committee.

A resolution was received from the Assembly in the words following, to wit:

*Resolved*, (if the Senate concur,) That a copy be made immediately of a volume now in the custody of the Secretary of State, containing the record of the court of commissioners for settling and determining the boundaries of the colony of Massachusetts Bay, held at the town of Providence, in the said colony, Tuesday, the 7th day of April, 1741, and that the same after having been duly compared and certified by the Secretary of State, shall be handsomely bound,

and presented by the Governor, in the name of the people of the state of New-York, to the state of Rhode Island.

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative.

The bill from the Assembly entitled, "An act to incorporate the Buffalo Waterworks Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Hawley
Mr. Burch	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Frost	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cornwell	Mr. W. Hall	

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

By unanimous consent,

Mr. Wilkin, from the committee on the judiciary, reported a bill entitled, "An act in relation to the terms of the supreme court held in the city of Albany," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wilkin,

*Ordered*, That said bill be engrossed for a third reading.

By unanimous consent,

Mr. Cole introduced a bill entitled, "An act to repeal a part of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent,

Mr. Fox introduced a bill entitled, "An act to provide for the appointment of commissioners to ascertain the compensation for taking private property for public use in the city of Troy, and to regulate the proceedings in taking such property for that purpose," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act establishing free schools throughout the State," and after some time spent thereon, Mr. Floyd, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to extend the time for the county superintendents of the poor elected in November, 1848, to execute and file their official bond and for taking the oath of

office," and after some time spent thereon, Mr. Martin, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to repeal two certain acts for the benefit and relief of Francis Englishbee," and after some time spent thereon, Mr. Burch, from said committee, reported progress, and asked for and obtained leave to sit again.

The bill entitled, "An act in relation to the terms of the supreme court at Albany," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall	
Mr. Betts	Mr. Cornwell	Mr. Hawley	
Mr. Burch	Mr. Fine	Mr. Martin	
Mr. Clark	Mr. Fox	Mr. Smith	
Mr. Coffin	Mr. Frost	Mr. Whallon	
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin	18

*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The following communication was received from the Secretary of State :

SECRETARY'S OFFICE, }  
March 5, 1849. }

To the PRESIDENT OF THE SENATE :

SIR—I send you some specimens of the illustrations to accompany the historical documents.

Very respectfully yours,  
CHRISTOPHER MORGAN.

And then the Senate adjourned till 10 o'clock to-morrow morning.

TUESDAY, 10 O'CLOCK A. M., MARCH 6, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Pohlman.

The Journal of yesterday was read and approved.

Mr. Fine presented the petition of Anthony Barclay of New-York for leave to hold real estate, which was referred to the committee on the judiciary.



Mr. Coffin presented the petition of owners of docks on the west side of the basin in Albany for a repeal of the law imposing double dockage, which was referred to the committee on commerce and navigation.

Mr. Tamblin presented a petition in relation to the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. W. Hall presented a petition of the college of physicians and Surgeons in New-York for relief, which was referred to the committee on literature.

Mr. Fuller presented the petition of 280 citizens of Rochester for an amendment of the charter of said city, which was referred to the committee on the incorporation of cities and villages.

Mr. Martin, from the committee on canals, to which was referred a petition for that purpose, reported a bill entitled, "An act authorising the appraisal and payment of canal damages to John G. Evans," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill entitled, "An act to provide for the appointment of commissioners to ascertain the compensation for taking private property for public uses in the city of Troy and to regulate the proceedings in taking such property for that purpose," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill entitled, "An act to amend and consolidate the several acts relating to the city of Utica," which was committed to the committee of the whole.

Mr. Cook, from the committee on banks and insurance companies, reported in favor of the passage of the bill entitled, "An act further to amend an act in relation to insurances on property made by individuals and associations unauthorised by law," which was committed to the committee of the whole.

Mr. Cornwell, from the committee on railroads, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act relating to the New-York and Harlaem Railroad Company, passed May 7, 1840, and the acts amending the same."

On motion of Mr. Coffin, and by unanimous consent,

Said bill was amended by striking out of the 7th line of the 1st section the word "four," and inserting the word "two."

On motion of Mr. S. H. P. Hall,

*Ordered*, That said bill do have its third reading.

Mr. Fuller, from the select committee, reported complete the bill entitled, "An act to incorporate the Syracuse Savings Institution."

*Ordered*, That said bill do have its third reading.

Mr. Smith, from the select committee, reported complete the bill

entitled, "An act to authorise the trustees of the late West Point Foundry to sell their real estate."

*Ordered*, That said bill do have its third reading.

Mr. Smith, from the select committee, reported complete the bill entitled, "An act granting lands under water in Phillipstown, Putnam county, to Ward B. Howard."

*Ordered*, That said bill do have its third reading.

Mr. Coffin, from the select committee, reported complete the bill entitled, "An act authorising the board of supervisors of Columbia county to purchase a piece of land."

*Ordered*, That said bill do have its third reading.

On motion of Mr. Fox,

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to erect the town of North Butternuts in the county of Otsego," and Mr. Adams, from said committee, reported that the committee had altered the title thereof so as to read as follows: "An act to erect the town of Fish in the county of Otsego," which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Fox,

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to annex a part of the town of Canajoharie to the town of Minden," and after some time spent thereon, Mr. Adams, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

On motion of Mr. Cook,

*Resolved*, That the act to enforce the responsibility of stockholders in certain banking corporations and associations, as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations and associations, be made the special order for Thursday next, at 12 o'clock M.

Mr. Tamblin offered for the consideration of the Senate the following resolution:

*Resolved*, That the Senate now go into committee of the whole on the bill entitled, "An act to settle and pay the claim of William W. Niles for the destruction of his property on Long Island farms May, 1847."

The President put the question upon agreeing to said resolution, and it was decided in the negative.

Mr. Burch, offered for the consideration of the Senate the following resolution:

*Resolved*, That the bill entitled, "An act to continue in force the act entitled, 'An act to authorise Jonas C. Baldwin to erect a dam across the Seneca river,' passed February 24, 1809, and also the act entitled, 'An act to continue in force the act passed February 24, 1809, authorising Jonas C. Baldwin to erect a dam across the Seneca river,' passed April 7, 1827," be taken from the general orders and referred to a select committee to consider and report complete.

The President put the question upon agreeing to said resolution, and it was decided in the negative.

The bill from the Assembly entitled, "An act to amend the act relating to the New-York and Harlaem Railroad Company, passed May 7, 1840, and the acts amending the same," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR 'THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Hawley
Mr. Betts	Mr. Floyd	Mr. Johnson
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Coffin	Mr. Frost	Mr. Smith
Mr. Cole	Mr. Fuller	Mr. Tamblin
Mr. Colt	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cook	Mr. W. Hall	Mr. Wilkin
Mr. Cornwell		

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

On motion of Mr. Cole,

*Resolved*, That the committee of the whole be discharged from the further consideration of the bill entitled, "An act concerning moneys received for excise duty in the county of Orleans," and that the same be referred to a select committee to report complete.

*Ordered*, That Messrs. Cole, Fuller and Hawley be said committee.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to repeal two certain acts for the relief of Francis Englishbee," and after some time spent thereon, Mr. Burch, from said committee, reported progress, and asked for and obtained leave to sit again.

The bill entitled, "An act establishing free schools throughout the State," being called up for consideration,

On motion of Mr. Cornwell,

*Ordered*, That said bill be referred to a select committee consisting of Messrs. Cornwell, Colt, Hawley, Johnson and Cook, to consider and report complete.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act making appropriations for common schools for the years 1849 and 1850," and after some time spent thereon, Mr. Bush, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act in relation to the county superintendents of the poor elected at the annual election in 1848 and to confirm their official acts," and after some time spent thereon, Mr. Martin, from said committee, reported in favor of the passage of the same without amendment.

The question being on agreeing to said report,  
Mr. Burch moved to amend the report by adding the following section :

§ 3. The provisions of this act, so far as they apply to the county of Montgomery, shall only authorise the action of one superintendent, and that shall be the person who at said charter election received the greatest number of votes.

The President put the question whether the Senate would agree to the amendment, and it was decided in the negative.

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. W. Hall	
Mr. Coffin	Mr. Fox	Mr. Johnson	
Mr. Colt	Mr. Frost	Mr. Treadwell	
Mr. Cook	Mr. S. H. P. Hall	Mr. Wilkin	12

FOR THE NEGATIVE.

Mr. Fine	Mr. Martin	Mr. Tamplin	
Mr. Floyd	Mr. Smith		5.

*Ordered*, That the said bill do have its third reading.

On motion of Mr. S. H. P. Hall,

The Senate then proceeded to the consideration of executive business.

When the executive session was closed,

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act to amend an act entitled, 'An act in relation to the city of Troy,' " also

"An act to authorise the board of supervisors of Columbia county to purchase a piece of land," also

"An act to authorise the superintendents of the poor of the county of Essex to enlarge and repair the county poor house," also

"An act to authorise the trustees of the late West Point Foundry Association to sell their real estate."

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled, "An act in relation to the terms of the supreme court at Albany."

*Ordered*, That said bill be transmitted to the Governor.

A bill was received from the Assembly for concurrence entitled, "An act to extend the time for calling in the capital stock of the Utica Steam Cotton Mills," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on manufactures.

A bill was received from the Assembly for concurrence entitled, "An act to legalise the proceedings of the trustees and electors of

the village of Ulster in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled, "An act to change the time of holding the annual election of officers in the village of Prattsburgh in the county of Steuben."

*Ordered*, That said bill be transmitted to the Governor.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act amendatory of an act entitled, 'An act to authorise the business of banking,' passed April 18, 1838, and the acts amending the same," and after some time spent thereon, Mr. Tamblin, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie canal, and the tolls receivable thereon," and after some time spent thereon, Mr. Colt, from said committee, reported progress, and asked for and obtained leave to sit again.

And then the Senate adjourned till 10 o'clock to-morrow morning.

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### WEDNESDAY, 10 O'CLOCK A. M., MARCH 7, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Potter.

The Journal of yesterday was read and approved.

Mr. S. H. P. Hall presented a petition for a railroad from Great Sodus bay to Cayuga lake, which was referred to the committee on railroads.

Mr. Fox presented the petition of George B. Warren and other citizens of Troy against the bill taxing the town of Canton for a plank road, which was referred to the committee on roads and bridges.

Mr. Fox presented the petition of Elizur Flint, Peter Newman and Nicholas Osman, asking that said Newman and Osman may hold and convey real estate, which was referred to the committee on the judiciary.

Mr. Fox presented a petition for the annexation of part of Stephentown to Nassau, which was referred to the committee on the erection and division of towns and counties.

Mr. Fox presented a petition in relation to the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. Clark presented the memorial of Timothy Stillman in relation to the Sabbath.

On motion of Mr. Clark,

*Resolved*, That said memorial be referred to a select committee.

*Ordered*, That Messrs. Clark, Fine and Colt be said committee.

Mr. Clark presented the petition of heirs of James Lombard in reference to the estate of Amasa Kelsey, which was referred to the committee on the judiciary.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills:

"An act granting certain lands in Phillipstown to Ward B. Howard," also

"An act to incorporate the Syracuse Savings Institution."

The following message was received from the Governor:

EXECUTIVE CHAMBER, }  
March 6, 1849. }

To the SENATE,—

I have this day approved and signed bills with the following titles, to wit:

"An act to change the time of holding the annual election of officers in the village of Prattsburgh in the year 1849," also

"An act in relation to the terms of the supreme court at Albany."

HAMILTON FISH.

The President laid before the Senate the following message from the executive department:

EXECUTIVE CHAMBER, }  
March 6, 1849. }

HON. A. H. CALHOUN,

*Clerk of the Senate:*

SIR—I am requested by the Governor to send you herewith a copy of the "Acts and Resolves of the State of Maine, 1848," to be deposited in the Senate library.

Very respectfully your obt't serv't,

R. H. MORRIS, *Private Sec'y.*

The President laid before the Senate the reports of the following mutual insurance companies, in answer to a resolution of the Senate of the 13th February, 1849, which were laid on the table:

The Allegany Co. Mutual Ins. Company, Cattaraugus Co. Mutual Ins. Company, Herkimer Co. Mutual Ins. Company, Seneca Co. Mutual Ins. Company, General Mutual Ins. Company, Madison Co. Mutual Ins. Company, Glencove Mutual Ins. Company, St. Lawrence Co. Mutual Ins. Company, Schenectady Co. Mutual Ins.

Company, Richmond Co. Mutual Ins. Company, Suffolk Co. Mutual Ins. Company, Cortland Co. Mutual Ins. Company, Ontario & Livingston Mutual Ins. Company, Farmers Mutual Ins. Company of Erie Co., Rensselaer Co. Mutual Ins. Company, Clinton & Essex Mutual Ins. Company, Kingston Mutual Ins. Company, Mechanics Mutual Ins. Company, Cayuga Co. Mutual Ins. Company, Chenango Co. Mutual Ins. Company, Dutchess Co. Mutual Ins. Company, Monroe Co. Mutual Ins. Company, Long Island Ins. Company, Mutual Ins. Company of Buffalo, and Genesee Mutual Ins. Company.

The President also laid before the Senate the reports of Saratoga Co. Mutual Ins. Company, Union Mutual Ins. Company, North River Ins. Company, Bowrey Ins. Company, Trust Fire Ins. Company, and General Mutual Ins. Company, in answer to a resolution of the 26th February, which were laid on the table.

Mr. Whallon, from the committee on the erection and division of towns and counties, to which was referred a petition for that purpose, reported a bill entitled, "An act to annex a part of the town of Schroon to the town of North Hudson," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

On motion of Mr. Treadwell,

The act for the removal of wrecks from the Albany basin, was referred to the committee of the whole having in charge the bill for excavating the basin at the eastern termination of the Erie and Champlain canals.

On motion of Mr. Clark,

*Resolved*, That the bill to amend and consolidate the several acts in relation to the city of Utica, be referred to a select committee to report complete.

*Ordered*, That Messrs. Clark, Smith and S. H. P. Hall be said committee.

On motion of Mr. Cook,

*Resolved*, That the several returns made by the mutual insurance companies to the Senate, in answer to a resolution of the Senate of the 13th February, be referred to the committee on banks and insurance companies for their opinion as to the expediency of printing the same.

Mr. Fox offered for the consideration of the Senate the following resolution :

*Resolved*, (if the Assembly concur,) That 10 copies of the Transactions of the State Medical Society for the present year be printed for the use of each member, and 100 copies for the use of the society.

The bill entitled, "An act to incorporate the Syracuse Savings Institution," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Martin
Mr. Betts	Mr. Fox	Mr. Smith
Mr. Burch	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Colt	Mr. W. Hall	Mr. Whallon
Mr. Cook	Mr. Hawley	Mr. Wilkin
		18

*Ordered,* That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to authorise the trustees of the West Point Foundry Association to sell their real estate," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Betts	Mr. Fox	Mr. Smith
Mr. Burch	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Colt	Mr. W. Hall	Mr. Whallon
Mr. Cook	Mr. Hawley	Mr. Wilkin
		18

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to authorise the board of supervisors of Columbia county to buy a piece of land," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Martin
Mr. Betts	Mr. Fox	Mr. Smith
Mr. Burch	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Colt	Mr. W. Hall	Mr. Whallon
Mr. Cook	Mr. Hawley	Mr. Wilkin
		18

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to annex a part of the town of Canajoharie to the town of Minden," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fox	Mr. Johnson
Mr. Betts	Mr. Frost	Mr. Smith



Mr. Burch  
Mr. Colt  
Mr. Cook  
Mr. Fine

Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Hawley

Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

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On motion of Mr. S. H. P. Hall,

*Ordered*, That this order of business be laid on the table.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to repeal two certain acts for the benefit and relief of Francis Englishbee," and after some time spent thereon, Mr. Burch, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to effectuate letters patent heretofore granted to Mary Englishbee," and after some time spent thereon, Mr. Burch, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act amendatory of the act to authorise the business of banking, passed April 18, 1838, and the acts amending the same," and after some time spent thereon, Mr. Whallon, from said committee, reported in favor of the passage of the same without amendment.

On motion of Mr. Cole,

*Ordered*, That the question on agreeing to said report be laid on the table.

A bill was received from the Assembly for concurrence entitled, "An act appropriating the revenues of the Literature and United States Deposit Fund," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals," and after some time spent thereon, Mr. Martin, from said committee, reported in favor of the passage of the same with amendments.

On motion of Mr. Cole,

*Ordered*, That the question on agreeing with the report of the committee be laid on the table.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act making appropriations for the payment of the charges and expenses for the removal of wrecks from the Albany basin," and after some time spent thereon, Mr. Martin, from said committee, reported in favor of the passage of the same without amendment.

On motion of Mr. Cole,

*Ordered*, That the question on agreeing to said report be laid on the table.

By unanimous consent,

Mr. Floyd presented a report in writing from the minority of the select committee on the bill to allow the Northern Railroad to construct a draw-bridge across Lake Champlain at Rouse's Point, which was laid on the table.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to incorporate the Genesee Wesleyan Seminary, passed May 1, 1834," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

By unanimous consent,

The Senate then proceeded to consider the question on agreeing to the report of the committee of the whole on the bill entitled, "An act amendatory of the act entitled, 'An act to authorize the business of banking,' passed April 18, 1838, and the acts amending the same."

By unanimous consent,

Mr. Cook moved to amend the second section, ninth line, by striking out the words "described in the first section of this act and," and inserting "required by the provisions of the above mentioned act and the amendments thereto."

Mr. Floyd moved to amend said report by restoring the fourth section, as follows:

"No person or association of persons shall establish an office for the business of banking in any county in this State without the consent of the board of supervisors of such county."

The President put the question upon agreeing to the said motion; and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Tamblin	
Mr. Bush	Mr. Floyd	Mr. Whallon	6

#### FOR THE NEGATIVE.

Mr. Adams	Mr. Fox	Mr. Martin	
Mr. Burch	Mr. S. H. P. Hall	Mr. Treadwell	
Mr. Colt	Mr. W. Hall	Mr. Wilkin	
Mr. Cook	Mr. Johnson		11

The report of the committee was then agreed to, and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act making appropriations for common schools for the years 1849 and 1850," and after some time spent thereon, Mr. Bush, from said committee, reported in favor of the passage of the same without amendment.

On motion of Mr. Hawley,

*Ordered,* That the question on agreeing to said report be laid on the table.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to lessen the severity of criminal punishments," and after some time spent thereon, Mr. Bush, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. W. Hall and by unanimous consent,

*Resolved*, That Fernando Wood be, and he is hereby allowed to take from the files of the Senate certain title deeds of property in the city of New-York belonging to him.

And then the Senate adjourned till 10 o'clock to-morrow morning.

THURSDAY, 10 O'CLOCK A. M., MARCH 8, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Pohlman.

The Journal of yesterday was read and approved.

Mr. Treadwell presented the remonstrance of citizens of Palatine, Montgomery county, in relation to the laying out of a road, which was referred to the committee on roads and bridges.

Mr. Bokee presented the proceedings of a public meeting held at Brooklyn in relation to the pilot laws and in opposition to any change therein, which was committed to the committee of the whole.

Mr. Frost presented the memorial of Lewis Tappen and 112 other citizens of New-York against appropriations for medical schools in said city for cause, which was referred to the committee on medical societies.

Mr. Cook presented the petition of citizens of Malta to prohibit the sale of intoxicating drinks as a beverage, which was referred to the select committee on that subject.

Mr. Fox presented the petition of inhabitants along the eastern turnpike asking that said turnpike may be made a free road, which was referred to the committee on roads and bridges.

Mr. Cole, from the select committee, reported complete the bill entitled, "An act concerning moneys received for excise duties in the county of Orleans."

*Ordered*, That said bill do have its third reading.

Mr. Colt, from the select committee, reported complete the bill entitled, "An act establishing free schools throughout the State."

*Ordered*, That said bill do have its third reading.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act amendatory of the act entitled, 'An act to authorise the business of banking,' passed April 18, 1838, and the acts amending the same," also

"An act to erect the town of Fish from the town of Butternuts, Otsego county."

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported a bill entitled, "An act to legalise the proceedings of the trustees and electors of the village of Ulster in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

The Senate then proceeded to the consideration of the question on agreeing with the report of the committee of the whole on the bill entitled, "An act making appropriations for the support of common schools for the years 1849 and 1850."

By unanimous consent,

The words "and academies" was added to the title after the words "common schools."

The report of the committee was then agreed to, and said bill ordered to a third reading.

On motion of Mr. Geddes,

*Ordered*, That the bill entitled, "An act in relation to plank roads," be referred to the committee having in charge the bill to lessen the severity of criminal punishments.

By unanimous consent,

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act to authorise Nicholas Osmen, an alien, to hold and convey real estate, and to confirm conveyances heretofore made," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wilkin,

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. Wilkin, from the committee on the judiciary, to which was referred the petition for that purpose, reported a bill entitled, "An act to authorise Peter Newman, an alien, to hold and convey real estate, and to confirm conveyances heretofore made," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wilkin,

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act to authorise Anthony Barclay to take, purchase, hold, convey, devise and transmit by inheritance, real estate," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

On motion of Mr. Treadwell,

The Senate then proceeded to consider the question on agreeing to the report of the committee of the whole on the bill entitled, "An act in relation to certain expenses incurred in excavating the basin, and the tolls receivable thereon, at the eastern termination of the Erie and Champlain canals."

Pending the question thereon,

The Senate, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to enforce the responsibility of stockholders in certain banking corporations and associations as provided by the Constitution, and to provide for the prompt payment of demands against such corporations or associations," and after some time spent thereon, Mr. Whallon, from said committee, reported progress, and asked for and obtained leave to sit again.

A bill was received from the Assembly for concurrence entitled, "An act to erect the town of Shongo from Independence and Scio in Allegany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to enable the mayor, aldermen and commonalty of New-York to extend the Croton waterworks," which was read the first time, and by unanimous consent was also read the second time, and referred to a select committee consisting of Senators from the 3d, 4th, 5th and 6th districts.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act to incorporate the Brooklyn City Hospital," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to enable the village of Williamsburgh to improve a part of the Williamsburgh and Jamaica turnpike as a village street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate St. Vincent's Orphan Asylum in the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the Bainbridge and Deposit Plank Road Company to erect a bridge across the Susquehannah at or near the village of Bainbridge," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act authorising the commissioners of highways of Marbletown

and Rosendale in the county of Ulster to complete laying out and to open a certain road in said towns," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to authorise Gilbert Smith to surrender his old stock of the New-York and Erie railroad and to receive new stock therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A bill was received from the Assembly for concurrence entitled, "An act to confirm the official acts of Hiram W. Jackson, of China, as superintendent of common schools," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to authorise James Peck to extend and otherwise improve the old town docks in the town of Flushing," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to regulate the eel fishery in the waters of Mecox bay in the town of Southampton in Suffolk," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to prevent the throwing of offal and other substances in the streets of the city of New-York," which was read the first time, and by unanimous consent was also read the second time, and referred to a select committee consisting of Senators from the 3d, 4th, 5th and 6th districts.

A bill was received from the Assembly for concurrence entitled, "An act authorising the supervisors of Oswego to raise money to construct a free bridge over the Oswego river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act for the removal of the Hallenbake burial ground situate in the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled, "An act to authorise the Comptroller to issue registered notes in certain cases."

*Ordered*, That said bill be transmitted to the Governor.

A message was received from the Assembly informing the Senate that they had passed the following bill with the amendments therewith delivered:

"An act authorising a loan from the common school fund to the county of Orleans."

The President put the question upon agreeing to said amendments, and it was decided in the

By unanimous consent,

Mr. Clark, from the committee on manufactures, reported in favor of the passage of the bill from the Assembly entitled, "An act to extend the time for calling in the capital stock of the Utica steam cotton mills."

On motion of Mr. Clark,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs. Clark, S. H. P. Hall and Hawley be said committee.

By unanimous consent,

Mr. Wilkin, from the committee on the judiciary, reported a bill entitled, "An act for the relief of Benjamin W. Corwin," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wilkin,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs. Wilkin, Treadwell and Tamblin be said committee.

On motion of Mr. W. Hall,

*Resolved*, That the bill entitled, "An act to amend the charter of the city of New-York," be referred to a select committee to report complete.

*Ordered*, That Messrs. W. Hall, S. H. P. Hall and Adams be said committee.

On motion of Mr. S. H. P. Hall,

*Resolved*, That the bill entitled, "An act to provide for the government of the department of the Alms House and Penitentiary in the city of New-York," be referred to a select committee to report complete.

*Ordered*, That Messrs. Johnson, Frost and Whallon be said committee.

On motion of Mr. Floyd, in behalf of Mr. Bokee,

*Resolved*, That the bill entitled, "An act to authorise the executors of the last will and testament of Isaac Moser to make a sale of certain lands," be referred to a select committee.

*Ordered*, That Messrs. Wilkin, Adams and Treadwell be said committee.

On motion of Mr. Floyd,

*Resolved*, That the bill entitled, "An act in addition to and amendatory of the act for the relief of the president, directors and company of the Brooklyn Bank, passed April 29, 1840," be referred to a select committee.

*Ordered*, That Messrs. Cook, Bush and Betts be said committee.

On motion of Mr. Floyd,

*Resolved*, That the bill entitled, "An act authorising the execu-

tors and trustees of Thomas Poole, formerly of Brooklyn, deceased, to sell certain portions of his real estate," be referred to a select committee to report complete.

*Ordered*, That Messrs. Bokee, Floyd and W. Hall be said committee.

On motion of Mr. Floyd,

*Resolved*, That the bill entitled, "An act to authorise the mayor, aldermen and commonalty of Brooklyn to create a loan for the purpose of erecting a city hall in said city," be referred to a select committee to report complete.

*Ordered*, That Messrs. Floyd, Bokee and Martin be said committee.

The Senate then proceeded to consider the question on agreeing to the report of the committee of the whole on the bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals and the tolls receivable thereon."

Pending which, by unanimous consent,

Mr. Wilkin, from the select committee, reported complete the bill entitled, "An act to remit any liabilities and forfeitures incurred by Benjamin W. Corwin while acting as a justice of the peace in Mount Hope."

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. Wilkin, from the select committee, reported complete the bill entitled, "An act to authorise the executors of the last will and testament of Isaac Moser to make a sale of certain lands."

*Ordered*, That said bill do have its third reading.

And then the Senate adjourned till 10 o'clock to-morrow morning.

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## FRIDAY, 10 O'CLOCK A. M., MARCH 9, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Potter.

The Journal of yesterday was read and approved.

Mr. Cook presented a remonstrance of citizens of Washington co. against the repeal of the law concerning emigrant passengers arriving at ports north of Albany, which was committed to the committee of the whole.

Mr. Bokee presented a remonstrance of citizens of Gravesend against Assembly bill for a road from Gravesend to Brooklyn, and petition for a new route, which was referred to the committee on roads and bridges.



Mr. Smith presented a petition of citizens of Westchester co., for a repeal of the act appointing commissioners to improve the road from Peekskill to Patterson, which was referred to the committee on roads and bridges.

Mr. Fox presented the petition of citizens along the line of Rensselaer and Columbia telegraph for erection of a bridge across the railroad at Greenbush, which was referred to the committee on railroads.

Mr. Hawly presented a petition of 212 citizens of Southport in Chemung co., for a law prohibiting the Southport Plank Road Company from taking the public highway, which was referred to the committee on roads and bridges.

Mr. Colt presented the petition of citizens of Genesee that foreign salt may be transferred on the canals at the same rate as Onondaga salt, which was referred to the committee on canals.

Mr. Fine, from the committee on railroads, to which was referred the petition for that purpose, reported a bill entitled, "An act to declare the public use of a railroad from Whitehall to Plattsburgh," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Fox, from the committee on the erection and division of towns and counties, to which was referred the petition for that purpose, reported a bill entitled, "An act to annex part of Stephentown to Nassau in Rensselaer county," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act to incorporate the Saugerties and Woodstock Turnpike Road Company, passed April 21, 1828."

On motion of Mr. Adams,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs. Adams, Johnson and Bokee be said committee.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to abolish the mayor's court of the city of Rochester," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act to amend the charter of the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills:

"An act to authorise Peter Newman, an alien, to hold and convey real estate, and to confirm conveyances heretofore made," also

"An act to authorise Nicholas Ochmen, an alien, to hold and

convey real estate, and to confirm conveyances heretofore made," also

"An act establishing free schools throughout the State," also

"An act concerning moneys received for excise duties in the county of Orleans," also

"An act to authorise the executors of the last will and testament of Isaac Moser to make a sale of certain lands," also

"An act to remit any liabilities and forfeitures incurred by Benjamin W. Corwin, of Mount Hope, in the county of Orange, by acting as a justice of the peace."

Mr. Hawley, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act appropriating the revenues of the Literature and United States Deposit Fund," which was committed to the committee of the whole.

Mr. Clark, from the select committee on the memorial of Timothy Stillman, made a written report thereon and offered the following resolution:

*Resolved*, (if the Assembly concur) That hereafter no collector of tolls on the canals of this State shall issue clearances on the first day of the week commonly called Sunday, nor shall any collector, inspector or locktender, be required to perform official duty on said day.

Mr. Hawley, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act to incorporate the Genesee Wesleyan Seminary, passed May 1, 1834," which was committed to the committee of the whole.

Mr. Clark, from the select committee, reported complete the bill entitled, "An act to extend the time for calling in the capital stock of the Utica steam cotton mills."

*Ordered*, That said bill do have its third reading.

Mr. Bokee, from the select committee, reported complete, with amendments, the bill entitled, "An act authorising the executors and trustees of Thomas Poole, formerly of Brooklyn, deceased, to sell certain portions of his real estate."

*Ordered*, That the said bill do have its third reading.

Mr. Johnson, from the select committee, reported complete the bill entitled, "An act to provide for the government of the departments of the Alms House and Penitentiary in the city and county of New-York."

*Ordered*, That said bill do have its third reading.

Mr. Johnson, from the committee on Indian affairs, to which was referred a petition for that purpose, reported a bill entitled, "An act in relation to the Cayuga Indian annuities," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

On motion of Mr. Cook,

Twice the usual number of the report accompanying said bill was ordered printed.

Mr. Johnson asked for and obtained leave to introduce a bill entitled, "An act in relation to sale of liquors to certain Indians," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

On motion of Mr. S. H. P. Hall,

*Resolved*, That the bill entitled, "An act to alter the commissioners map of the city of Brooklyn," be referred to a select committee to report complete.

*Ordered*, That Messrs. S. H. P. Hall, Bokee and Floyd be said committee.

Mr. Hawley asked for and obtained leave to introduce a bill entitled, "An act to amend the general plank road and turnpike law, passed May 7, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent,

Mr. Johnson presented a remonstrance of the mayor, aldermen and commonalty of New-York against the restriction of fees to the register of the city and county of New-York, which was committed to the committee of the whole.

Mr. Cook, offered for the consideration of the Senate the following resolution :

*Resolved*, That the act to enforce the responsibility of stockholders in certain banking corporations and associations as provided in the Constitution, and to provide for the prompt payment of demands against such corporations and associations, be referred to a committee of five to report complete.

The President put the question upon agreeing to said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Colt	Mr. Johnson	
Mr. Burch	Mr. Cook	Mr. Tamblin	
Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin	12

#### FOR THE NEGATIVE.

Mr. Adams	Mr. W. Hall	Mr. Smith	
Mr. Floyd	Mr. Hawley	Mr. Whallon	
Mr. Frost	Mr. Martin		9

*Ordered*, That Messrs. Cook, Clark, Geddes, Fine and Bush, be said committee.

On motion of Mr. Whallon,

*Resolved*, That the committee of the whole be discharged from the further consideration of the bill entitled, "An act to alter and settle the east line of the town of North Hudson, Essex county," and the same be referred to a select committee to report complete.

*Ordered*, That Messrs. Whallon, Burch and Colt be said committee.

The Senate then proceeded to consider the question on agreeing to the report of the committee of the whole on the bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals and the tolls receivable thereon."

Pending the question thereon,

A message was received from the Assembly, informing that they had passed the following bills without amendment :

"An act to incorporate the Auburn Savings Institution," also

"An act to amend an act entitled, 'An act to incorporate the New-York Floating Dry Dock Company,' passed April 18, 1843," also

"An act to confirm the official acts of Benjamin T. Miller, late sheriff of Broome county."

*O. d. red.*, That said bills be delivered to the Governor.

A bill was received from the Assembly for concurrence entitled, "An act to confirm the official acts of Jesse Rosencrants, a justice of the peace of the town of Candor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the commissioners of loans of the county of Washington to transcribe certain records in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to define the boundaries of the towns of Ballston and Clifton Park," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the erection and division of town and counties.

A bill was received from the Assembly for concurrence entitled, "An act to require superintendents of the poor and county treasurers to give bonds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to confirm the official acts of Horace D. Brundage, a justice of the peace of the town of Lodi," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the Sing Sing prison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the construction of a plank road from Homer to Cortland," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to authorise Moses Randall, executor of the last will and testament of James Roberts, deceased, to convey certain real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to amend the Revised Statutes relative to commissions to executors and administrators," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to provide against taking a fraudulent census among the Onondaga Indians and give them power to apply national funds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

On motion of Mr. S. H. P. Hall,  
Saturday, March 10, at 11 o'clock, was set apart for the third reading of bills.

And then the Senate adjourned till 10 o'clock to-morrow morning.

## SATURDAY, 10 O'CLOCK A. M., MARCH 10, 1849

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Pohlman.

The Journal of yesterday was read and approved.

Mr. S. H. P. Hall presented the petition of Anthony Lamb and others against the bill laying a tax on the town of Canton for a plank road, which was referred to the committee on roads and bridges.

Mr. Treadwell presented the petition of citizens of Saugerties against the amendment of the charter of Saugerties and Woodstock Turnpike Company which was referred to a select committee consisting of Messrs. Treadwell, Adams and Fox.

Mr. Treadwell also presented the petition of Evert Van Allen on behalf of the eastern turnpike, against making their turnpike a free road, which was referred to the committee on roads and bridges.

Mr. Fox presented the petition of citizens along the eastern turnpike asking that it may be made a free road, which was referred to the committee on roads and bridges.

Mr. Fox presented the petition of citizens of Stephentown against the division of said town, which was referred to the committee on the erection and division of towns and counties.

Mr. Betts presented a petition for the prohibition of the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. Cole presented the petition of 188 citizens in favor of land limitation and homestead exemption, which was referred to the committee on grievances.

Mr. Johnson presented the petition of the chiefs and warriors of the Seneca Indians, for payment of damages suffered from horse thieves, which was referred to the committee on Indian affairs.

Mr. Bond presented the petition of citizens of Oswego for a law prohibiting the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. Frost from the committee on charitable and religious societies, reported in favor of the passage of the bill from the Assembly entitled, "An act to incorporate the St. Vincent's Orphan Asylum in the city of Albany," which was committed to the committee of the whole.

Mr. Frost, from the committee on charitable and religious societies, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the act incorporating the Brooklyn City Hospital, passed May 8, 1845."

On motion of Mr. Bokee,

*Ordered*, That said bill do have its third reading.

Mr. Johnson, from the committee on railroads, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise Gilbert Smith to surrender his old stock in the New-York and Erie railroad and to receive new stock therefor."

On motion of Mr. Johnson,

*Ordered*, That said bill do have its third reading.

Mr. Burch, from the committee on commerce and navigation, reported a bill entitled, "An act in relation to the prices for wharfage hereafter to be charged for vessels landing at the pier on the east side of the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Burch, from the committee on commerce and navigation, reported in favor of the passage of the bill entitled, "An act to authorise James Peck to extend and otherwise improve the old town docks in the town of Flushing," which was committed to the committee of the whole.

Mr. Adams, from the select committee, reported complete the bill entitled, "An act to amend the act to incorporate the Saugerties and Woodstock Turnpike Road Company, passed April 21, 1828."

*Ordered*, That said bill do have its third reading.

Mr. Johnson, from the select committee, consisting of Senators from the 3d, 4th, 5th and 6th districts, reported in favor of the passage of the bill from the Assembly entitled, "An act to enable the mayor, aldermen and commonalty of New-York to extend the Croton waterworks."

On motion of Mr. Johnson,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs. Johnson, Smith and Wilkin be said committee.

By unanimous consent,

Mr. Smith, from said committee, reported said bill complete.

*Ordered*, That said bill do have its third reading.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act to enable the village of Williamsburgh to improve a part of the Williamsburgh and Jamaica turnpike as a village street."

On motion of Mr. S. H. P. Hall,

*Ordered*, That the said bill do have its third reading.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills:

"An act authorising the executors and trustees of Thomas Poole, formerly of Brooklyn, deceased, to sell certain portions of his real estate," also

"An act to provide for the government of the departments of the Alms House and Penitentiary in the city and county of New-York," also

"An act in addition to and amendatory of the act entitled, 'An act for the relief of the president, directors and company of the Brooklyn Bank,' passed April 29, 1840."

Mr. Floyd, from the select committee, reported complete, the bill entitled, "An act to authorise the mayor, and common council of Brooklyn to create a loan for the purpose of erecting a city hall in said city."

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to confirm the official acts of Horace D. Brundage, a justice of the peace of the town of Lodi," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to confirm the official acts of Hiram W. Jackson, of the town of Chin, as superintendent of common schools," which was committed to the committee of the whole.

On motion of Mr. Cook,

*Resolved*, That the bill to amend the act entitled, "An act to authorise the formation of railroad companies," be referred to a select committee of five to report complete.

*Ordered*, That Messrs. Cook, Fox, Adams, Johnson and Bond, be said committee.

On motion of Mr. Adams,

*Resolved*, That the bill entitled, "An act to legalise the proceedings of the trustees and electors of the village of Ulster, in the

county of Ulster," be referred to a select committee to report complete.

*Ordered*, That Messrs. Adams, Fine and S. H. P. Hall be said committee.

On motion of Mr. Bush,

*Resolved*, That the following bills be referred to a select committee to report complete :

"An act to make the clerk's office of the county of Erie a salary office," also

"An act to amend the act incorporating the Attica and Buffalo Railroad Company," also

"An act to amend the charter of the Farmer's Mutual Insurance Company of Erie county," also

"An act to incorporate the Lewiston Suspension Bridge Company."

*Ordered*, That Messrs. Bush, Martin and Colt, be said committee.

On motion of Mr. Fox,

The Senate then proceeded to the consideration of the following resolution :

*Resolved*, (if the Assembly concur,) That 10 copies of the Transactions of the State Medical Society for the present year be printed for the use of each member and officer of the Legislature, and 100 copies for the use of the society.

On motion of Mr. Floyd,

*Ordered*, That said resolution lie upon the table.

On motion of Mr. Clark,

The Senate then proceeded to the consideration of the following resolution :

*Resolved*, (if the Assembly concur) That hereafter no collector of tolls on the canals of this State shall issue clearances on the first day of the week commonly called Sunday, nor shall any collector, inspector or locktender, be required to perform official duty on said day.

Pending the question thereon,

The hour appointed for the third reading of bills having arrived, the Senate proceeded thereto.

The bill entitled, "An act to enable the village of Williamsburgh to improve a part of the Williamsburgh and Jamaica turnpike as a village street," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Burch

Mr. Colt  
Mr. Cook  
Mr. Fine  
Mr. Floyd  
Mr. Fox

Mr. Hawley  
Mr. Johnson  
Mr. Martin  
Mr. Smith  
Mr. Tamplin



Mr. Bush	Mr. Frost	Mr. Treadwell	
Mr. Clark	Mr. Fuller	Mr. Wilkin	
Mr. Cole	Mr. S. H. P. Hall		23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act amendatory of the act entitled, "An to authorise the business of banking," passed April 18, 1838, and the acts amending the same," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall	
Mr. Betts	Mr. Cook	Mr. Hawley	
Mr. Bokee	Mr. Cornwell	Mr. Johnson	
Mr. Bond	Mr. Fine	Mr. Martin	
Mr. Burch	Mr. Fox	Mr. Smith	
Mr. Bush	Mr. Frost	Mr. Treadwell	
Mr. Clark	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Cole			22

FOR THE NEGATIVE.

Mr. Floyd	1
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to enable the mayor, aldermen and commonalty of the city of New-York to extend the Croton waterworks," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley	
Mr. Betts	Mr. Cook	Mr. Johnson	
Mr. Bokee	Mr. Fine	Mr. Martin	
Mr. Bond	Mr. Floyd	Mr. Smith	
Mr. Burch	Mr. Fox	Mr. Tamblin	
Mr. Bush	Mr. Frost	Mr. Treadwell	
Mr. Clark	Mr. W. Hall	Mr. Wilkin	21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the act incorporating the Brooklyn City Hospital," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin

24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorise Gilbert Smith to surrender his old stock of the New-York and Erie railroad and to receive new stock therefor," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Frost	Mr. Tamblin
Mr. Cole	Mr. Fuller	Mr. Treadwell
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook	Mr. W. Hall	

23

On motion of Mr. Johnson,

The vote passing said bill was reconsidered, and said bill laid on the table.

The bill from the Assembly entitled, "An act to authorise the mayor and common council of Brooklyn to create a loan for the purpose of erecting a city hall in said city," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook	Mr. W. Hall	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the act to incorporate the Saugerties and Woodstock Turnpike Company, passed April 21, 1828," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Betts	Mr. Cook	Mr. Martin
Mr. Bokee	Mr. Fine	Mr. Smith
Mr. Bond	Mr. Floyd	Mr. Tamblin
Mr. Burch	Mr. Fox	Mr. Treadwell
Mr. Bush	Mr. Frost	Mr. Wilkin
Mr. Clark	Mr. Hawley	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act to erect the town of Fish from the town of Butternuts in Otsego county," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Burch	Mr. Frost	Mr. Tamblin
Mr. Bush	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt	Mr. Hawley	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act granting certain lands under water in Phillipstown, Putnam county, to Ward B. Howard," was read the third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Burch	Mr. Frost	Mr. Tamblin
Mr. Bush	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt	Mr. W. Hall	

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act making appropriations for common schools and for the support of academies for the years 1849 and 1850," coming up for its third reading,

On motion of Mr. S. H. P. Hall and by unanimous consent,

The title of the bill was so amended as to state in place of the words "and for the support of academies," the words "for the education of common school teachers."

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Fuller
Mr. Bokee	Mr. Cook	Mr. S. H. P. Hall
Mr. Bond	Mr. Fine	Mr. Hawley
Mr. Burch	Mr. Floyd	Mr. Johnson
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Frost	Mr. Wilkin
Mr. Cole		

19

FOR THE NEGATIVE.

Mr. Treadwell

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same with the amendments therewith delivered.

The bill entitled, "An act authorising the superintendents of the poor of the county of Essex to enlarge and repair the county poor house," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Johnson
Mr. Burch	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Cole	Mr. Fuller	Mr. Wilkin
Mr. Colt	Mr. S. H. P. Hall	

23

*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to authorise the executors of the last will and testament of Isaac Moser to make a sale of certain lands,"

was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Wilkin
		21

## FOR THE NEGATIVE.

Mr. Cornwell	1
--------------	---

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act concerning moneys received for excise duties in the county of Orleans," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Fine	Mr. Hawley
Mr. Bond	Mr. Floyd	Mr. Johnson
Mr. Burch	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Cole	Mr. Fuller	Mr. Treadwell
		21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act establishing free schools throughout the State," coming up for its third reading,

On motion of Mr. Colt, and by unanimous consent,

The words "district libraries" were struck out of the sixth line of the third section.

Mr. Johnson moved to recommit this bill to the select committee of five who had reported the bill, to report complete.

The President put the question upon agreeing to the said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bond	Mr. Cornwell	Mr. Hawley
Mr. Burch	Mr. Fox	Mr. Treadwell
Mr. Cole	Mr. Frost	

FOR THE NEGATIVE.

Mr. Clark  
Mr. Fine

Mr. Floyd

Mr. Martin

4

The bill entitled, "An act to remit any liabilities and forfeitures incurred by Benjamin W. Corwin, while acting as a justice of the peace in the town of Mount Hope, in the county of Orange," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Burch  
Mr. Bush  
Mr. Cole  
Mr. Colt  
Mr. Cook

Mr. Cornwell  
Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Fuller

Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Hawley  
Mr. Johnson  
Mr. Tamblin  
Mr. Wilkin

19

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to extend the time for calling in the stock of the Utica steam cotton mills," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bond  
Mr. Burch  
Mr. Bush  
Mr. Clark

Mr. Colt  
Mr. Cornwell  
Mr. Fine  
Mr. Fox  
Mr. Frost  
Mr. Fuller

Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Johnson  
Mr. Martin  
Mr. Tamblin

17

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill entitled, "An act to authorise the executors and trustees of Thomas Poole, formerly of Brooklyn, deceased, to sell certain portions of his real estate," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Burch

Mr. Colt  
Mr. Cook  
Mr. Fine  
Mr. Floyd  
Mr. Fox

Mr. W. Hall  
Mr. Hawley  
Mr. Johnson  
Mr. Martin  
Mr. Tamblin

Mr. Bush	Mr. Frost	Mr. Treadwell	
Mr. Clark	Mr. S. H. P. Hall		20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to annex a part of Canajoharie to Minden," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. S. H. P. Hall	
Mr. Bokee	Mr. Cornwell	Mr. W. Hall	
Mr. Bond	Mr. Fine	Mr. Johnson	
Mr. Burch	Mr. Fox	Mr. Smith	
Mr. Bush	Mr. Frost	Mr. Treadwell	
Mr. Clark	Mr. Fuller	Mr. Wilkin	
Mr. Cole	Mr. Geddes		20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act providing for the government of the Alms House Department and Penitentiary in the city of New-York," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. W. Hall	
Mr. Betts	Mr. Fine	Mr. Hawley	
Mr. Bokee	Mr. Floyd	Mr. Johnson	
Mr. Bond	Mr. Fox	Mr. Martin	
Mr. Burch	Mr. Frost	Mr. Tamblin	
Mr. Bush	Mr. Fuller	Mr. Treadwell	
Mr. Clark	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Cole			22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to extend the time in which county superintendents of the poor, elected in November, 1848, shall execute and file their official bond and take the oath of office," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Cornwell	Mr. S. H. P. Hall	
Mr. Bush	Mr. Fox	Mr. W. Hall	
Mr. Cole	Mr. Frost	Mr. Johnson	
Mr. Colt	Mr. Fuller	Mr. Treadwell	
Mr. Cook	Mr. Geddes	Mr. Wilkin	16

FOR THE NEGATIVE.

Mr. Betts  
Mr. Fine  
Mr. Floyd

Mr. Hawley  
Mr. Martin

Mr. Smith  
Mr. Tamblin

7

On motion of Mr. Wilkin,  
The Senate agreed to reconsider its vote on said bill,  
On motion of Mr. Wilkin,  
Said bill was laid on the table.

By unanimous consent,

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the Revised Statutes relative to commissions to executors and administrators," which was committed to the committee of the whole.

By unanimous consent,

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to confirm the official acts of Jesse Rosencrants, a justice of the peace of the town of Candor," which was committed to the committee of the whole.

By unanimous consent,

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise Moses Randall, executor of the last will and testament of James Roberts, deceased, to convey certain real estate," which was committed to the committee of the whole.

A bill was received from the Assembly for concurrence entitled, "An act authorising the county of Erie and the city of Buffalo to erect a public building for county and city purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

The Senate then proceeded to consider the question on agreeing to the amendments of the Assembly to the bill entitled, "An act authorising a loan to the county of Orleans for the purpose of building a bridge."

The President put the question upon agreeing to said amendments, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Burch  
Mr. Bush  
Mr. Clark  
Mr. Cole

Mr. Colt  
Mr. Cook  
Mr. Cornwell  
Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Fuller

Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Johnson  
Mr. Martin  
Mr. Smith  
Mr. Tamblin  
Mr. Treadwell  
Mr. Wilkin

24



*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment thereto.

The bill entitled, "An act authorising Peter Newman, an alien, to hold and convey real estate, and to confirm conveyances heretofore made," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Burch	Mr. Floyd	Mr. Tamblin
Mr. Bush	Mr. Fox	Mr. Treadwell
Mr. Clark	Mr. Frost	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to authorise Nicholas Ochmen, an alien, to hold and convey real estate, and to confirm conveyances heretofore made," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to amend the act relating to the city of Troy," passed January 24, 1848," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Betts	Mr. Fox	Mr. Martin
Mr. Bokee	Mr. Frost	Mr. Smith
Mr. Bond	Mr. Fuller	Mr. Tamblin

Mr. Bush  
Mr. Clark  
Mr. Cornwell

Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Hawley

Mr. Treadwell  
Mr. Wilkin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act in addition to and amendatory of the act entitled, 'An act for the relief of the president, directors and company of the Brooklyn Bank,' passed April 29, 1840," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Bush  
Mr. Clark  
Mr. Cole  
Mr. Colt

Mr. Cook  
Mr. Cornwell  
Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. S. H. P. Hall

Mr. W. Hall  
Mr. Hawley  
Mr. Johnson  
Mr. Martin  
Mr. Smith  
Mr. Tamblin  
Mr. Treadwell  
Mr. Wilkin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to confirm the official acts of Jesse Rosencrants, a justice of the peace of the town of Candor," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Bush  
Mr. Clark  
Mr. Cole  
Mr. Colt

Mr. Cook  
Mr. Cornwell  
Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Fuller

Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Martin  
Mr. Tamblin  
Mr. Treadwell  
Mr. Wilkin

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FOR THE NEGATIVE.

Mr. Smith

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Senate then proceeded to consider the question on agreeing to the report of the committee of the whole on the bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals and the tolls receivable thereon."

Pending the question thereon,

A bill was received from the Assembly for concurrence entitled, "An act to preserve the fish in certain portions of the Unadilla river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to subject monied or stock corporations to assessment for highway labor, passed May 15, 1837," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the incorporation of insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

A bill was received from the Assembly for concurrence entitled, "An act to erect the town of Rakawana from the towns of Cheek-tewaga, Black Rock and Hamburgh," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the erection and division of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to release the interest of the State in certain lands of which David Darrah died possessed, to Susan Darrah his wife," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the Methodist Episcopal Church, Garretson Station, Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act to incorporate the Buffalo Waterworks Company."

*Ordered,* That said bill be returned to the Assembly.

And then the Senate adjourned till Monday morning at 10 o'clock.

MONDAY, 10, O'CLOCK A. M., MARCH 12, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Rawson.

The Journal of Saturday was read and approved.

Mr. S. H. P. Hall presented the petition of the board of supervisors of Broome county and of William H. Keeler for refunding certain moneys to W. H. Keeler, which was referred to the committee on finance.

Mr. Treadwell presented the petition of 76 citizens of New-York interested in the navigation of the Hudson River for the repeal of the law authorising double dockage in the Albany basin, which was committed to the committee of the whole.

Mr. Wilkin presented the memorial of the bar attending the present term of the court of appeals at Schenectady praying for a law locating terms of said court at the Capitol, which was referred to the committee on the judiciary.

Mr. Betts presented three petitions of citizens of Bainbridge in Chenango county, for a law authorising the Bainbridge and Deposit Plank Road Company, to bridge the Susquehanna, which were referred to the committee on roads and bridges.

Mr. Clark presented a petition of the inhabitants of the town of Remsen in Oneida county, for an alteration of the plank road law, which was committed to the committee of the whole.

Messrs. Hawley, Bond and Geddes, presented petitions for a law to prohibit the sale of intoxicating drinks, which were referred to the select committee on that subject.

Mr. Geddes, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the construction of a plank road in the town of Canton," and made a written report thereon.

On motion of Mr. Fine,

*Ordered*, That said bill do have its third reading.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to preserve the fish in certain portions of the Unadilla river," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the town of Little Valley in the county of Cattaraugus to raise money for the relief of Lyman S. Pratt," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the As-

sembly entitled, "An act to require superintendents of the poor and county treasurers to give bonds," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the commissioners of loans of the county of Washington to transcribe certain records in said county," which was committed to the committee of the whole.

Mr. Geddes, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the Fultonville and Johnstown Plank Road Company to erect a bridge across the Mohawk river between Fultonville and Fonda," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of a bill from the Assembly entitled, "An act authorising the county of Erie and the city of Buffalo to erect a public building for county and city purposes."

On motion of Mr. Bush,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs. Bush, Colt and Fuller be said committee.

Mr. Fuller, from the select committee, to which was referred the several reports of the revisers of practice and pleadings, made a written report thereon, and introduced a bill entitled, "An act to amend the act entitled, 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' passed April 12, 1848," which was committed to the committee of the whole.

The President laid before the Senate the reports of the Genesee, Greenville and Chautauque co. insurance companies in answer to resolutions of the Senate of the 10th and 26th of February.

Mr. Fine moved the printing of ten times the usual number of said reports, which was referred to the committee on public printing.

Mr. Cornwell, from the select committee, reported complete the bill entitled, "An act to establish free schools throughout the State."

On motion of Mr. Geddes,

*Ordered*, That said report and bill be laid upon the table.

On motion of Mr. Geddes,

*Ordered*, That said bill be printed.

Mr. Cornwell, from the select committee, asked for and obtained leave to introduce a bill entitled, "An act to amend chapter 480 of Session Laws of 1847, entitled 'An act in relation to the office of town superintendents of common schools,' and the statutes amendatory of the act entitled, 'Of public instruction.'"

On motion of Mr. Cornwell,

*Ordered*, That said bill do have its third reading.

Mr. S. H. P. Hall, from the select committee, reported complete,

with amendments, the bill entitled, "An act to amend the charter of the city of New-York."

On motion of Mr. Bush,

*Ordered*, That said report be laid on the table.

Mr. Martin, from the select committee, reported complete the bill entitled, "An act amend the act entitled, 'An act to provide for the construction of a railroad from Attica to Buffalo,' passed May 3, 1836."

*Ordered*, That said bill do have its third reading.

Mr. Bush, from the select committee, reported complete the bill entitled, "An act to make the clerk's office of the county of Erie a salary office."

*Ordered*. That said bill do have its third reading.

Mr. Bush, from the select committee, reported complete the bill entitled, "An act authorising the county of Erie and the city of Buffalo to erect a public building for county and city purposes."

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the select committee, reported complete the bill entitled, "An act to establish courts of civil and criminal jurisdiction in the city of Brooklyn."

*Ordered*, That said bill do have its third reading.

Mr. Bush, from the select committee, reported complete the bill entitled, "An act to incorporate the Lewiston Suspension Bridge Company."

*Ordered*, That said bill do have its third reading.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
March 10, 1849. }

To the SENATE,—

I have this day approved and signed a bill entitled, "An act authorising the election of a police justice in the village of Poughkeepsie."

HAMILTON FISH.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
March 12, 1849. }

To the SENATE,—

I have this day approved and signed bills with the following titles, to wit :

"An act to authorise the Comptroller to issue registered notes in lieu of unregistered ones in certain cases," also

"An act to amend an act entitled, 'An act to incorporate the New-York Floating Dry Dock Company,' passed April 18, 1843," also

"An act to confirm the official acts of Benjamin T. Miller, late sheriff of Broome county," also

"An act to incorporate the Auburn Savings Institution," also

"An act to provide for the collection of the fees of certain judicial and other officers."

HAMILTON FISH.

The President laid before the Senate the following communication :

ATTORNEY GENERAL'S OFFICE, }  
March 12, 1849.

To the PRESIDENT OF THE SENATE :

SIR—I herewith transmit a copy of the opinion of Mr. Justice Daniel in case of Smith vs. Turner, health commissioner for the city of New-York, also a copy of his opinion in the case of James Norris vs. the city of Boston, also a copy of the opinion of Mr. Justice Grier in case of Norris vs. the city of Boston.

Respectfully yours,

A. L. JORDAN, *Att'y Gen.*

On motion of Mr. Johnson,

*Ordered*, That the usual number of copies of these documents be printed for the use of the Senate, and 250 copies for the use of the Senators from the 3d, 4th, 5th and 6th districts.

In pursuance of previous notice,

Mr. Adams asked for and obtained leave to introduce a bill entitled, "An act to authorise the justices of the supreme court to alter the time of holding the circuits in the third judicial district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Fuller,

*Resolved*, That the honorable the Assembly be respectfully requested to transmit to the Senate a bill on their files introduced at the last session entitled "An act in relation to certain overpayments to the Bank Fund," and that when received the same be referred to the committee on banks and insurance companies.

On motion of Mr. Johnson,

The Senate then proceeded to the consideration of the question on recommitting to the committee of the whole the bill entitled, "An act for the appointment of referees in the city of New-York."

The President put the question upon agreeing to recommit said bill, and it was decided in the affirmative.

On motion of Mr. Geddes,

*Resolved*, That the bill for the relief of Jesse McKinley, be referred to a select committee to report complete.

*Ordered*, That Messrs. Geddes, S. H. P. Hall and Hawley be said committee.

On motion of Mr. Bond,

*Resolved*, That the bill entitled, "An act in relation to the Fabius select school," be referred to a select committee to report complete.

*Ordered*, That Messrs. Bond, Clark and Betts, be said committee.

On motion of Mr. Fine,

The bill entitled, "An act to lessen the severity of criminal punishments," was made the special order for Wednesday next at 12 o'clock.

On motion of Mr. Johnson,

The bill entitled, "An act to increase the number of justices in the superior court of the city of New-York, and for extending the jurisdiction of said court," was made the special order for Wednesday at 12 o'clock.

On motion of Mr. Johnson,

*Resolved*, That the bill entitled, "An act for the relief of Lydia Harden, an Indian woman," be referred to a select committee to report complete.

*Ordered*, That Messrs. Johnson, Bush and Adams, be said committee.

On motion of Mr. Fuller,

*Resolved*, That the bill in relation to the compensation of the treasurer of the county of Monroe, be taken from the general orders and referred to a select committee to report complete.

*Ordered*, That Messrs. Fuller, Cornwell and Hawley, be said committee.

On motion of Mr. Bond,

*Ordered*, That the bill entitled, "An act in relation to the Madison University," be made the special order for Thursday the 15th inst., at 12 o'clock.

The Senate then proceeded to consider the question on agreeing to the report of the committee of the whole on the bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals and the tolls receivable thereon."

Pending the question thereon,

Mr. S. H. P. Hall announced to the Senate the death of the Hon. Timothy S. Williams, Senator from the twenty-fifth district, which had taken place at Ithaca on the 11th inst.

On motion of Mr. S. H. P. Hall,

*Resolved*, That a select committee of five be appointed to prepare resolutions expressive of the sense of the Senate on this melancholy bereavement, and that for the purpose of receiving the report of said committee, the Senate will take a recess till 4 P. M.

*Ordered*, That Messrs. S. H. P. Hall, Fine, Wilkin, Cornwell and Adams, be said committee.

The Senate then took a recess until 4 o'clock P. M.

4 O'CLOCK P. M.

The Senate again met.

Mr. S. H. P. Hall, from the select committee appointed to prepare resolutions expressive of the sense of the Senate on the bereavement.



occasioned by the death of the Hon. Timothy S. Williams, Senator from the twenty-fifth district reported the following resolutions.

*Resolved*, That the Senate have heard with profound regret of the decease on the morning of the eleventh instant at his late residence in Ithaca, of the Hon. Timothy S. Williams late a Senator from the twenty-fifth Senate district, and that in testimony of their high appreciation of the exalted private and official character and cherished memory of their late associate the members of the Senate will wear the usual badge of mourning during the remainder of the session.

*Resolved*, That the members of the Senate deeply sympathise with the family and relatives of the deceased, and tender to them their condolence upon the sad bereavement, which has removed from their domestic circle its esteemed and virtuous head.

*Resolved*, That a copy of these resolutions attested by the President of the Senate be transmitted by him to the widow and family of the deceased.

*Resolved*, That the Senate do now adjourn.

Mr. Cornwell: Mr President—In rising as I do to second these resolutions, I can but feel that the seat at my right is vacant—suddenly vacant. I reflect sir, that but little more than a twelvemonth since, my first acquaintance was formed with him, so recently its occupant. I met him as did most of us, a stranger, under circumstances where we expected our meeting to be brief, and not the best adapted to create those strong ties and emotions of friendship which grow up between those associated together for long periods of time. Yet sir, the virtues, the strict integrity, the moral worth and the high toned character of the deceased has endeared him deeply to every member of this Senate. If this be true with us where these virtues have been as it were, but partially developed, and for so short a period of time, still more emphatically must it be true of those who have been associated with him in the cares and pleasures and business of society through life. If here there is a void—in that society where he lives there must be a deeper and a greater void. Another circle, where still more were known and appreciated these facts, I dare not trust myself to speak of. But those who compose that circle, I would commend with our condolence, to the love of Hira, whose kind protection was daily invoked under the lead of him who has now been taken from them.

Mr. Bond: One word sir, as it will be the only opportunity afforded me of paying a passing tribute to the memory of the deceased. My acquaintance with him commenced when I became a member of this body. During an intercourse of two years, he has endeared himself to me, and I think I can truly say to all of us, by his many good qualities. In his temper, I have always found him cheerful, amiable and kind. In his deportment he was manly and dignified, yet at the same time simple and unassuming. He had a heart to appreciate, a mind to conceive, and a judgment to execute all the purposes for which God had created him. As a man, he was unimpeachably honest; as a citizen, eminently useful in all the sta-

tions he was called by his fellow-citizens to fill. As a member of this body, he was able and faithful in the discharge of all the duties which devolved upon him, and at the same time courteous and affable towards all who differed from him in opinion and sentiment. As a christian, he was remarkable for his piety—for that kind of piety which was constant and truthful, and which exhibited itself in his daily walk and conversation. It seemed to be the very habit of his soul and inseparable from his existence. It was this piety which no doubt sustained him when the earthly house of his tabernacle was dissolving, and when his spirit, which for fifty years had inhabited that tenement, was balancing its wings to soar away to its final caravanserai of rest to that building of God, to that House not made with hands, eternal in the heavens. The honorable Senator sleeps with his fathers—with the righteous dead. The memorials of his many virtues are now enshrined in that most blessed and consecrated sanctuary, the bleeding hearts of his wife, children, relatives and friends. Theirs be the consolation that their sorrow is not as those who have no hope—for if we believe that Jesus died and rose again, even so them also who sleep in Jesus will God bring with him. This event is fraught with instruction to every reflecting mind. It is an impressive moralist, teaching us all how inconstant, uncertain and temporary are all the hopes, enjoyments and expectations of human life. It admonishes us all in language not to be misunderstood—

*"That life is short, that time is fleeting,  
That our hearts tho' stout and brave,  
Still like muffled drums are beating  
Funeral marches to the grave."*

The resolutions were unanimously adopted.

And then the Senate adjourned till 10 o'clock to-morrow morning.

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TUESDAY, 10 O'CLOCK A. M., MARCH 11, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Waggoner.

The Journal of yesterday was read and approved.

Mr. Fox presented the petition of citizens along the eastern turnpike for the making of said turnpike a free road, which was referred to the committee on roads and bridges.

Mr. Colt, from the committee on finance, to which was referred a petition for that purpose, reported a bill entitled, "An act to authorize the supervisors of the county of Broome to refund certain

moneys to William H. Keeler," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Colt,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Martin, from the committee on canals, reported a bill entitled, "An act in relation to the purchase of material and tools for the repair of the canals," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Geddes, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act authorising the supervisors of the county of Oswego to raise money to construct a free bridge over the Oswego river," which was committed to the committee of the whole.

Mr. Geddes, from the select committee, reported complete the bill entitled, "An act for the relief of Jesse McKinley."

*Ordered*, That the said bill do have its third reading.

Mr. Cook, from the select committee, reported complete, with amendments, the bill entitled, "An act to enforce the responsibility of stockholders in certain banking corporations and associations, as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations and associations."

Mr. Hawley moved that said report be laid on the table and the amendments printed, and the bill made the special order for Thursday the 16th inst.

The President put the question upon agreeing to said motion, and it was decided in the negative.

Mr. Floyd moved to refer said report to the committee of the whole and the amendments be printed, and that the bill be made the special order for Thursday the 15th inst.

The President put the question upon agreeing to said motion, and it was decided in the negative.

Mr. Cook moved to refer said report to the committee of the whole, and that it be made the special order for this day at one o'clock.

The President put the question upon agreeing to the said motion, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Mr. Bond	Mr. Cook	Mr. Geddes	
Mr. Burch	Mr. Cornwell	Mr. S. H. P. Hall	
Mr. Clark	Mr. Floyd	Mr. Johnson	
Mr. Coffin	Mr. Fox	Mr. Martin	
Mr. Colt	Mr. Fuller	Mr. Wilkin	15

FOR THE NEGATIVE.

Mr. Betts	Mr. Hawley	2
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Mr. Bokee, from the select committee appointed to investigate the causes of the failure of Canal Bank, made a written report in part, which was laid on the table.

Mr. Fuller moved the printing of ten times the usual number of said report, which was referred to the committee on public printing.

On motion of Mr. Fox,

The Senate then proceeded to the consideration of executive business.

When the executive session was closed,

By unanimous consent,

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to authorise the justices of the supreme court to alter the time of holding the circuits in the third judicial district."

On motion of Mr. Wilkin,

*Ordered*, That said bill be engrossed for a third reading.

Mr. Wilkin, from the majority of the committee on the judiciary, to which was referred the petition for that purpose, reported a bill entitled, "An act in relation to the terms of the court of appeals," which was read the first time, and by unanimous consent was also read the second time.

*Ordered*, That said bill be referred to the committee of the whole having in charge the bill reported by the select committee to which was referred the report of the commissioners on practice and pleadings.

Mr. Bond, from the select committee, reported complete the bill entitled, "An act in relation to the Fabius select school in the county of Onondaga."

*Ordered*, That said bill do have its third reading.

Mr. Clark, from the select committee, reported complete the bill entitled, "An act relative to suits by and against joint stock companies and associations."

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. Johnson presented the petition of George Kinsella for relief for canal damages, which was referred to the committee on claims.

Mr. Adams, from the committee on finance, reported a bill entitled, "An act authorising the Governor, Comptroller and Secretary of State, to audit the account of counsel in the case of George Smith vs. William Turner in the supreme court of the United States," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

On motion of Mr. Johnson,

The Senate then proceeded to consider the question on agreeing to the report of the committee of the whole on the bill entitled, "An act to amend the charter of the city of New-York."

The President then put the question on agreeing to the report of the committee of the whole, and it was decided in the affirmative.

*Ordered*, That said bill do have its third reading.

Mr. Bush, from the select committee, reported complete the bill entitled, "An act to amend the act entitled, 'An act to incorporate the Farmer's Mutual Insurance Company of Erie county,' passed May 14, 1845."

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to release the interest of the State in certain lands of which David Darrah died possessed, to Susan Darrah his wife," which was committed to the committee of the whole.

Mr. Bush, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to authorise the supervisors of Broome county to refund certain moneys to William H. Keeler."

*Ordered*, That said bill do have its third reading.

Leave of absence was granted to Mr. Whallon for one week.

On motion of Mr. Fuller,

*Resolved*, That the Senate will hold afternoon sessions commencing on the 14th instant, from four to six o'clock, until the bill to amend the act to simplify the practice, pleadings and proceedings of the courts of this State is disposed of, except on Saturdays, and that the report of the committee be made the special order for the afternoon of that day.

The bill from the Assembly entitled, "An act to extend the time for county superintendents of the poor elected in November, 1848, to execute and file their official bond and to take the oath of office," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Geddes
Mr. Bokee	Mr. Colt	Mr. S. H. P. Hall
Mr. Bond	Mr. Cook	Mr. Johnson
Mr. Bush	Mr. Cornwell	Mr. Martin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Wilkin
		18

#### FOR THE NEGATIVE.

Mr. Betts	Mr. Floyd	Mr. Hawley
Mr. Fine		
		4

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act to authorise the supervisors of Broome county to refund certain moneys to William H. Keeler," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Geddes
Mr. Betts	Mr. Colt	Mr. S. H. P. Hall
Mr. Bokee	Mr. Cook	Mr. Hawley
Mr. Bond	Mr. Cornwell	Mr. Johnson
Mr. Burch	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Wilkin
Mr. Coffin	Mr. Fuller	

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*Ordered*, That the Clerk deliver said bill to the Assembly. and request their concurrence therein.

On motion of Mr. Bush,

*Resolved*, That the bill to declare the public use of a railroad from Lockport to Buffalo, be taken from the general orders and referred to a committee to report complete.

*Ordered*, That Messrs. Bush, Adams and Geddes, be said committee.

On motion of Mr. Fox,

*Resolved*, That the bill entitled, "An act to provide for the appointment of commissioners to ascertain the compensation for taking private property for public use in the city of Troy," be taken from the committee of the whole and referred to a select committee to report complete.

*Ordered*, That Messrs. Fox, Treadwell and Betts, be said committee.

On motion of Mr. Treadwell,

*Resolved*, That the bill entitled, "An act to amend the charter of the city of Albany in relation to the number and manner of selecting the assessors for the said city," and the bill entitled, "An act to amend an act concerning the district attorney of the county of Albany, passed February 21, 1840," be referred to a select committee to report complete.

*Ordered*, That Messrs. Treadwell, Adams and Fuller, be said committee.

On motion of Mr. Adams,

*Resolved*, That the Clerk of the Senate be respectfully requested forthwith to send to the committee on the erection and division of towns and counties of the Assembly, all the papers referring to the division of the town of Butternuts in the county of Otsego, which were before this Senate at its last session, as well as the present.

By unanimous consent,

Mr. Wilkin introduced a bill entitled, "An act to amend the Revised Statutes relating to the relief and support of indigent persons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled,

"An act to enforce the responsibility of stockholders in certain banking corporations and associations, as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations and associations," and Mr. Coffin, from said committee, reported that there was not a quorum.

The President thereupon declared the Senate adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, 10 O'CLOCK A. M., MARCH 14, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Rawson.

The Journal of yesterday was read and approved.

Mr. S. H. P. Hall presented the remonstrance of 151 merchants of the city of New-York against taxing foreign insurance companies, which was committed to the committee of whole.

Mr. Coffin presented the petition of citizens of the town of Fishkill for an amendment to the general village act, which was referred to the committee on the erection and division of towns and counties.

Mr. S. H. P. Hall presented the memorial of C. P. Smith and others of Brooklyn, to authorise the mayor and common council to open and lay out a street in said city, which was referred to the committee on the incorporation of cities and villages.

Mr. Fox presented three petitions for annulling the eastern turnpike, which was referred to the committee on roads and bridges.

Mr. Wilkin presented a remonstrance of citizens of Rockland, Sullivan county, against annexing a part of that town to Liberty in said county," which was committed to the committee of the whole.

Messrs. S. H. P. Hall, Fox and Martin presented petitions for a law to prohibit the sale of intoxicating drinks, which were referred to the select committee on that subject.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to amend the Revised Statutes relating to the relief and support of indigent persons," which was committed to the committee of the whole.

Mr. Treadwell, from the select committee, reported complete, with amendments, the bill entitled, "An act to amend the charter of the city of Albany in relation to the number and manner of electing the assessors for the said city."

*Ordered,* That the said bill do have its third reading.

Mr. Treadwell, from the select committee, reported complete, with amendments, the bill entitled, "An act to amend an act concerning the district attorney of the county of Albany, passed February 21, 1840."

*Ordered*, That said bill do have its third reading.

Mr. Cook, from the committee on banks and insurance companies, reported in favor of the passage of the bill from the Assembly entitled, "An act to provide for the incorporation of insurance companies," which was committed to the committee of the whole.

*Ordered*, That said bill be printed.

Mr. Cornwell, from the select committee on the affairs of the Canal Bank, made a further report on that subject.

Mr. Fuller moved the printing of the same number of copies of this as of the former report, which was referred to the committee on public printing.

Mr. Fox, from the select committee, reported complete the bill entitled, "An act to provide for the appointment of commissioners to ascertain the compensation for taking private property for public use in the city of Troy, and to regulate the proceedings in taking such property for that purpose."

*Ordered*, That said bill do have its third reading.

On motion of Mr. Floyd,

*Resolved*, That the committee be discharged from the further consideration of the bill entitled, "An act to amend an act to establish free schools in district No. 5 in the town of Flushing, passed March 10, 1848," and that it be referred to a select committee to report complete.

*Ordered*, That Messrs. Floyd, Bokee and Coffin, be said committee.

By unanimous consent,

Mr. Floyd, from said committee, reported said bill complete.

*Ordered*, That said bill do have its third reading.

Mr. Cook, from the select committee, reported complete the bill entitled, "An act to amend the act for the formation of railroad corporations."

*Ordered*, That said report be laid on the table.

Mr. Tamblin, from the committee on public printing, reported in favor of printing five times the usual number of the reports made by Messrs. Bokee and Cornwell in reference to the affairs of the Canal Bank.

The President put the question upon agreeing to said report, and it was decided in the affirmative.

And then Mr. Wilkin rose to a question of privilege, and on his motion the Senate proceeded to consider the reports of the majority and minority of the committee on the judiciary on the question of the eligibility of a person elected to the office of Representative to Congress to a seat in the Legislature of this State.

Mr. Wilkin offered for the consideration of the Senate the following resolution:

*Resolved*, That it is the judgment of this Senate that the Hon.



David A. Bokee, Senator from the second senatorial district, is and will remain and continue to be a Senator of this State, until he shall by some specific act or declaration, accept the office of Representative in Congress of the United States from the second congressional district, to which he was elected at the last general State election.

Mr. S. H. P. Hall moved to lay said resolution on the table.

The President put the question upon agreeing to the said motion, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. Fine	Mr. S. H. P. Hall
Mr. Burch	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Geddes	Mr. Treadwell
Mr. Cornwell		

10

**FOR THE NEGATIVE.**

Mr. Adams	Mr. Cole	Mr. Fuller
Mr. Bond	Mr. Colt	Mr. Johnson
Mr. Clark	Mr. Cook	Mr. Wilkin
Mr. Coffin	Mr. Fox	

11

The question then coming upon the resolution as proposed by Mr. Wilkin, Mr. Bush desired to be excused from voting thereon.

The President put the question upon agreeing to excuse Mr. Bush, and it was decided in the negative.

The President then put the question upon agreeing to the said resolution, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Bond	Mr. Colt	Mr. Fuller
Mr. Clark	Mr. Cook	Mr. Johnson
Mr. Coffin	Mr. Fox	Mr. Wilkin
Mr. Cole		

10

**FOR THE NEGATIVE.**

Mr. Adams	Mr. Cornwell	Mr. S. H. P. Hall
Mr. Betts	Mr. Fine	Mr. Martin
Mr. Burch	Mr. Floyd	Mr. Treadwell
Mr. Bush	Mr. Geddes	

11

On motion of Mr. Cook,

*Ordered*, That the bill to enforce the responsibility of stockholders in certain corporations and associations, be made the special order for this day at 12 o'clock.

On motion of Mr. Wilkin,

*Resolved*, That the petition of Rosanna Follett praying the passage of a law to remove the statutes of limitation relative to divorce, be recommitted, with the accompanying papers, to the committee on the judiciary.

The President laid before the Senate a communication from the Canal Commissioners in answer to a resolution of the Senate of the 17th February, 1849, which was laid on the table.

On motion of Mr. Cole,

*Resolved*, That the bill in relation to common schools in the village of Medina, be taken from the general orders and referred to a select committee to report complete.

*Ordered*, That Messrs. Cole, Bush and Betts, be said committee.

Mr. Wilkin asked for and obtained leave to introduce a bill entitled, "An act to amend the act entitled, 'An act to incorporate the Orange County Mutual Insurance Company,' passed March 15, 1837," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

Mr. Bush gave notice that, at an early day, he would ask leave to introduce a bill to incorporate the Genesee savings bank.

On motion of Mr. Johnson,

*Resolved*, That the bill for increasing the number of justices of the superior court of the city of New-York, be referred to a select committee to report complete.

*Ordered*, That Messrs. Johnson, Floyd and Wilkin, be said committee.

The President laid before the Senate the following communication :

SECRETARY'S OFFICE, }  
March 14, 1849. }

HON. GEO. W. PATTERSON,

*President of the Senate :*

SIR—I herewith transmit to the Legislature abstracts of the reports of the superintendents of the poor for the year 1849.

I am very respectfully,

Your obedient servant,

CHRIST'R MORGAN, *Sec'y of State.*

Mr. Adams, from the select committee, reported complete the bill entitled, "An act to legalise the proceedings of the trustees and electors of the village of Ulster in the county of Ulster."

*Ordered*, That said bill do have its third reading.

A bill was received from the Assembly for concurrence entitled, "An act to protect the woodlands in Suffolk county against destruction by fire," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act authorising the commissioners of highways of the town of Northfield to lease certain town property," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to annex a part of the town of Sparta to the town of North Dansville," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the erection and division of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to confirm the official acts of Sylvester Reed as justice of the peace of the town of Brownville," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the Schenectady and Troy Railroad State stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

A bill was received from the Assembly for concurrence entitled, "An act to amend the charter of the Cohecton Bridge Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the appointment of criers of courts in the several counties of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to confirm the official acts of Sylvanus D. Thompson, a justice of the peace of the town of Savannah," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled, 'An act to consolidate and amend the act to incorporate the city of Buffalo,' passed April 20, 1832, and the various acts amendatory thereof, passed April 17, 1843," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act authorising the settlement of the claim of Amos B. King and James H. King, assignees of William M. King, for work done on the Erie canal enlargement, and for materials furnished by them," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to drain the Springtown swamp in the town of New Paltz in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to amend the charter of the St. Lawrence County Mutual Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled, 'An act to organise and establish a recorder's court in the city of Oswego,' passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the appointment and payment of a clerk or clerks in the office of the surrogate of the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act relating to the erection of a town house in the town of New Utrecht," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the commissioners of highways in the town of Waterloo to borrow money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to close and discontinue Diagonal-st. in the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act authorising the inspectors of State prisons to administer oaths and take affidavits in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

A bill was received from the Assembly for concurrence entitled, "An act for the reappraisal and payment of damages of Aaron Knapp in the construction of the Leland Pond Reservoir," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the dog tax in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A message was received from the Assembly, informing that they had passed the following bills without amendment :

"An act to extend the remedies at law against foreign insurance companies," also

"An act to amend the charter of the Jefferson County Institute," also

"An act to amend an act entitled, 'An act to extend Third Street east in the village of Jamestown to Second Street,' passed April 10, 1848," also

"An act to change the name of Archibald Morrison Stone to Archibald Morrison Morrison," also

"An act to authorise Peter Newman, an alien, to hold and convey real estate, and to confirm conveyances heretofore made," also

"An act to authorise Nicholas Ochman, an alien, to hold and convey real estate, and to confirm conveyances heretofore made," also

"An act for the relief of Mary Catharine Rapp," also

"An act concerning moneys received for excise duties in the county of Orleans," also

"An act to amend chapter 214 of the laws of 1842 in relation to the poor laws."

*Ordered,* That said bills be delivered to the Governor.

The Senate, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to lessen the severity of criminal punishments," and after some time spent thereon, Mr. S. H. P. Hall, from said committee, reported in favor of the passage of the same without amendment.

The question being on agreeing with the report of the committee of the whole,

Mr. Geddes moved to amend said report by adding to the first section the following :

And whenever sentence of death shall have been passed upon any person, under the provisions of this act, it shall be the duty of the court to direct that such person shall be sent to one of the State prisons, where such person shall be kept in solitary confinement for one year, after the expiration of which, from the day of the sentence, the Governor of the State may, in his discretion, issue an order to the sheriff of the county in which the trial was held, to execute the person so sentenced at the prison where such person has been confined, and until the issuing of such order by the Governor, the person so convicted shall be kept in solitary confinement.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Coffin  
Mr. Cornwell  
Mr. Fine

Mr. Geddes  
Mr. S. H. P. Hall  
Mr. Hawley

Mr. Johnson  
Mr. Treadwell  
Mr. Wilkin

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#### FOR THE NEGATIVE.

Mr. Betts  
Mr. Bond

Mr. Cole  
Mr. Colt

Mr. Fox  
Mr. Fuller

Mr. Burch	Mr. Cook	Mr. Martin	
Mr. Clark	Mr. Floyd	Mr. Tamblin	12

Mr. Hawley then moved to amend the report of the committee by adding the following section :

§ When any person shall hereafter be found guilty of an offence for which he may be punished by the provisions of the statute hereby amended, the jury by whom such verdict shall be found shall fix the term of imprisonment and the amount of the fine within the provisions and limitations prescribed by this act, subject to be modified by the court before whom such trial shall be had.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Coffin	Mr. Floyd	Mr. Hawley	3
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FOR THE NEGATIVE.

Mr. Bond	Mr. Cornwell	Mr. Johnson	
Mr. Burch	Mr. Fine	Mr. Martin	
Mr. Clark	Mr. Fox	Mr. Tamblin	
Mr. Cole	Mr. Fuller	Mr. Treadwell	
Mr. Colt	Mr. Geddes	Mr. Wilkin	
Mr. Cook	Mr. S. H. P. Hall		17

The report of the committee was then agreed to, and said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act in relation to plank roads," and after some time spent thereon, Mr. S. H. P. Hall, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

By unanimous consent,

Mr. Johnson, from the select committee, reported complete the bill entitled, "An act for increasing the number of justices of the superior court of the city of New-York and for extending the jurisdiction of that court."

Ordered, That said bill do have its third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to enforce the responsibility of stockholders in certain banking corporations and associations as provided by the Constitution, and to provide for the prompt payment of demands against such corporations or associations," and after some time spent thereon, Mr. Coffin, from said committee, reported in favor of the passage of the same without amendment.

The question then being on agreeing to the report of the committee of the whole,

Mr. Hawley moved to strike out the first section of said bill.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Floyd	Mr. Hawley	3
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FOR THE NEGATIVE.

Mr. Adams	Mr. Cook	Mr. S. H. P. Hall	
Mr. Burch	Mr. Cornwell	Mr. Johnson	
Mr. Clark	Mr. Fine	Mr. Martin	
Mr. Coffin	Mr. Fox	Mr. Treadwell	
Mr. Cole	Mr. Fuller	Mr. Wilkin	
Mr. Colt	Mr. Geddes		17

Mr. Floyd moved to amend said report by adding as the thirty-third section the following :

It shall be the duty of all banking corporations, associations or individual bankers doing business under the general banking law, to make an annual return under oath to the Comptroller on the 31st day of December, of the amount of dividends and deposits which have been unclaimed for five years or more, and also of such bills issued by such corporation, association or individual banker as were issued five years or more before the date of such return, and shall pay such unclaimed deposits and dividends to the Comptroller, who shall upon demand pay the same to the person entitled thereto ; and shall deliver to the Comptroller such bills as were issued five years or more before the date of such return, as such corporation, association or individual banker may have in possession, and shall pay to the Comptroller the amount of such bills, issued four years or more before the date of such return as such corporation, association or individual may not have in possession, and the Comptroller shall issue new bills to an amount equal to the bills returned and the amount paid, and the Comptroller shall pay on presentation any of the bills the amount of which shall have been so paid to him, and the balance of the money so paid to the Comptroller, after paying such dividends and deposits as may be claimed, and such bills as may be presented, shall be transferred to the common school fund.

The President put the question upon agreeing to the said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Floyd	Mr. Hawley	3
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FOR THE NEGATIVE.

Mr. Adams	Mr. Colt	Mr. Geddes	
Mr. Burch	Mr. Cook	Mr. S. H. P. Hall	

Mr. Bush	Mr. Cornwell	Mr. Johnson	
Mr. Clark	Mr. Fine	Mr. Martin	
Mr. Coffin	Mr. Fox	Mr. Treadwell	
Mr. Cole	Mr. Fuller	Mr. Wilkin	18

The report of the committee was then agreed to, and said bill ordered to a third reading.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills:

"An act to authorise the justices of the supreme court to alter the time of holding the circuits in the third judicial district," also

"An act in relation to the Fabius select school in the county of Onondaga," also

"An act in relation to suits by and against joint stock companies and associations," also

"An act to amend the laws relating to the office of town superintendent of common schools," also

"An act for the relief of Jesse McKinley," also

"An act to establish civil and criminal courts in the city of Brooklyn."

The Senate then took a recess until 4 o'clock P. M.

#### 4 O'CLOCK P. M.

The Senate again met.

On motion of Mr. Tamblin,

The vote rejecting the resolution offered by Mr. Wilkin in relation to the right of a person elected as Representative in Congress to a seat as a member of the Legislature was reconsidered, and the resolution laid upon the table.

On motion of Mr. Coffin,

*Resolved*, That the bill to release the interest of the State in certain real estate of which Patrick Ward died seised to Sally Mc-Avara, Margaret Murphey and Catharine Barry, be referred to a select committee to report complete.

*Ordered*, That Messrs. Coffin, Adams and Treadwell, be said committee.

The Senate then, in committee of the whole, proceeded to the consideration of the special order of the day, being the bill entitled, "An act to amend the act entitled, 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' passed April 12, 1848," and after some time spent thereon, Mr. Johnson, from said committee, reported progress, and asked for and obtained leave to sit again.

And then the Senate adjourned till 10 o'clock to-morrow morning.



THURSDAY, 10 O'CLOCK A. M., MARCH 15, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Waggoner.

The Journal of yesterday was read and approved.

Mr. Wilkin presented the memorial of members of the bar for a continuance of the commission of practice and pleadings, which was referred to the committee on the judiciary.

Messrs. S. H. P. Hall and Martin presented petitions for the abolition of the sale of intoxicating drinks, which were referred to the select committee on that subject.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the bill entitled, "An act to provide for the appointment of commissioners to ascertain the compensation for taking private property for public use in the city of Troy, and to regulate the proceedings in taking such property for that purpose."

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to confirm the official acts of Sylvanus D. Thompson, a justice of the peace of the town of Savannah," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to confirm the official acts of Sylvester Reed as justice of the peace of the town of Brownville," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act authorising the inspectors of state prisons to administer oaths and take affidavits in certain cases," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act entitled, 'An act to organise and establish a recorder's court in the city of Albany,' passed April 12, 1848," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to provide for the appraisement and payment of a clerk or clerks in the office of the surrogate of the county of Kings," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to drain the Springtown swamp in the town of New Paltz in the county of Ulster."

By unanimous consent,

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the appointment of criers of courts in the several counties in this State," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill entitled, "An act in relation to the village of Hamilton," which was committed to the committee of the whole.

Mr. Treadwell, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the commissioners of highways of the town of Waterloo to borrow money."

On motion of Mr. Treadwell,

*Ordered*, That said bill do have its third reading.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of a bill from the Assembly entitled, "An act to close and discontinue Diagonal street in the city of Albany," which was committed to the committee of the whole.

Mr. Fox, from the committee on the erection and division of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to define the boundaries of the towns of Ballston and Clifton Park."

On motion of Mr. Floyd,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs. Floyd, Johnson and Coffin, be said committee.

Mr. Cole, from the select committee, reported complete the bill entitled, "An act in relation to common schools in the village of Medina."

*Ordered*, That said bill do have its third reading.

Mr. Coffin, from the select committee, reported complete the bill entitled, "An act to release the interest of the State in certain real estate to Sally McAvara, Margaret Murphy and Catharine Barry."

*Ordered*, That said bill do have its third reading.

Mr. Bush, from the select committee, reported complete the bill entitled, "An act to amend an act entitled, 'An act to consolidate and amend the act to incorporate the city of Buffalo,' passed April 20, 1832, and the various acts amendatory thereof, passed April 17, 1843."

*Ordered*, That said bill do have its third reading.

Mr. Johnson, from the select committee, reported complete the bill entitled, "An act for the benefit of Lydia Harden an Indian woman."

*Ordered*, That said bill do have its third reading.

Mr. Floyd, from the select committee, reported complete the bill

entitled, "An act to define the boundaries of the towns of Ballston Spa and Clifton Park."

*Ordered*, That said bill do have its third reading.

Mr. Adams, from the select committee, reported complete the bill entitled, "An act to drain the Springtown swamp in the town of New Paltz in the county of Ulster."

*Ordered*, That the said bill do have its third reading.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act relating to the erection of a town house in the town of New Utrecht," which was committed to the committee of the whole.

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled, "An act to authorise the supervisors of Broome county to refund certain moneys to William H. Keeler."

*Ordered*, That said bill be transmitted to the Governor.

A message was received from the Assembly informing the Senate that they had passed the following bill with the amendments therewith delivered:

"An act to provide for the government of the department of the Alms House and Penitentiary in the city and county of New-York."

A bill was received from the Assembly for concurrence entitled, "An act authorising the appraisal and payment of canal damages to Perkins E. Hayes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

In pursuance of previous notice,

Mr. Bush asked for and obtained leave to introduce a bill entitled, "An act incorporatig the Genesee Savings Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

Mr. S. H. P. Hall moved the indefinite postponement of the consideration of the bill amending the act to incorporate the Genesee Wesleyan Institute.

On motion of Mr. Hawley,

Said motion was laid on the table.

Mr. Johnson gave notice that, at an early day, he would introduce a bill to make the offices of health officer and deputy health officer of the port of New-York salary offices.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported adverse on the petition of citizens of Fishkill for an amendment of the general village act, passed Dec. 7, 1847, which report was agreed to.

Thereupon,

*Resolved*, That the prayer of the petitioners be denied.

On motion of Mr. Treadwell,

The Senate then proceeded to consider the question on agreeing to

the report of the committee of the whole on the bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals and the tolls receivable thereon."

On motion of Mr. S. H. P. Hall,

*Ordered*, That the further consideration of this question be postponed until to-morrow, Friday, at 12 o'clock.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day being the bill entitled, "An act in relation to Madison University," and after some time spent thereon, Mr. Adams, from said committee, reported progress, and asked for and obtained leave to sit again.

*Ordered*, That said bill be made the special order for Saturday at 12 o'clock.

On motion of Mr. Geddes,

*Ordered*, That to-morrow, Friday, after the reading of the journal, the Senate will proceed to the third reading of bills.

On motion of Mr. Cornwell,

The Senate then proceeded to consider the question on agreeing to the report of the select committee on the bill entitled, "An act authorising free schools throughout the State."

Mr. Geddes moved to amend the report of the select committee by adding to the bill the following sections:

§ 6. The electors shall determine by ballot at the annual election to be held in November next, whether this act shall or shall not become a law.

§ 7. It shall be the duty of the state superintendent of common schools to prepare and furnish to the several town clerks in this state, forms of the poll lists, returns, and other necessary proceedings to carry into effect this act, and he shall also furnish, at the expense of the state, to each school district in the state five copies of this act, with the forms prepared by him.

§ 8. The ballots to be deposited in the ballot box shall be in the following form. Those cast in favor of the adoption of this act shall contain the following words:

School.

For the new school law.

Those cast against the adoption of this act shall contain the following words:

School.

Against the new school law.

And the ballots shall be so folded as to conceal all the words except the word school, which latter word shall not be concealed, but shall appear on the ballot as folded.

§ 9. The inspectors of elections in the several election districts shall furnish a separate ballot box into which shall be placed all the ballots given for or against the new school law. The inspectors shall canvass the ballots and make return thereof in the same man-

ner as votes given for the office of governor and lieutenant-governor are by law canvassed and returned.

§ 10. In case a majority of all the votes in the state shall be cast against free schools, this act shall be null and void; and in case a majority of all the votes in the state shall be cast for the new school law, then this act shall become a law, and shall take effect on the first day of January next.

The President put the question whether the Senate would agree to the amendment, and it was decided in the affirmative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Cook	Mr. Geddes
Mr. Betts	Mr. Fine	Mr. S. H. P. Hall
Mr. Bond	Mr. Fox	Mr. Treadwell
Mr. Clark		

10

**FOR THE NEGATIVE.**

Mr. Burch	Mr. Colt	Mr. Johnson
Mr. Bush	Mr. Cornwell	Mr. Wilkin
Mr. Coffin	Mr. Hawley	

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The report of the committee was then agreed to, and the bill ordered to a third reading.

The Senate then took a recess until 4 o'clock P. M.

**4 O'CLOCK P. M.**

The Senate again met.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to amend the act to simplify and abridge the practice, pleadings and proceedings of the courts in this State, passed April 12, 1848," and after some time spent thereon, Mr. Johnson, from said committee, reported progress, and asked for and obtained leave to sit again.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act to incorporate the Lewiston Suspension Bridge Company," also

"An act to amend the act in relation to railroad companies," also

"An act in relation to plank roads."

On motion of Mr. Wilkin,

The bill entitled, "An act authorising the appointment of a clerk or clerks in the office of the surrogate of the county of Kings," was recommitted to the committee on the judiciary.

Mr. S. H. P. Hall asked for and obtained leave to introduce a bill entitled, "An act in relation to the Natural History of the State of New-York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

And then the Senate adjourned till 10 o'clock to-morrow morning.

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FRIDAY, 10 O'CLOCK A. M., MARCH 16, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Rawson.

The Journal of yesterday was read and approved.

On motion of Mr. Fox,

*Resolved*, That the Assembly bill entitled, "An act in relation to the Schenectady and Troy railroad state stock," be taken from the general orders and referred to a select committee to report complete.

*Ordered*, That Messrs. Fox, Treadwell and Adams, be said committee.

By unanimous consent,

Mr. Frost presented the petition of 180 seamen of the port of New-York and merchants and ship masters against the passage of the pilot bill, which was committed to the committee of the whole.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
March 15, 1849. }

To the SENATE,—

I have this day approved and signed bills with the following titles, to wit :

"An act to amend an act entitled, 'An act to extend Third Street east in the village of Jamestown to Second Street,' passed April 10, 1848," also

"An act to extend the remedies at law against foreign insurance companies," also

"An act to authorise the supervisors of Broome county to refund certain moneys to William H. Keeler," also

"An act to incorporate the Mansion Square Female Seminary in the village of Poughkeepsie," also

"An act authorising a loan from the common school fund to the county of Orleans," also

"An act to amend chapter 214 of the laws of 1842 in relation to the poor laws," also

"An act concerning moneys received for excise duties in the county of Orleans," also

"An act for the relief of Mary Catharine Rapp," also

"An act to amend the charter of the Jefferson County Institute," also

"An act to authorise Nicholas Ochman, an alien, to hold and convey real estate, and to confirm conveyances heretofore made," also

"An act to authorise Peter Newman, an alien, to hold and convey real estate, and to confirm conveyances heretofore made," also

"An act to change the name of Archibald Morrison Stone to Archibald Morrison Morrison."

### HAMILTON FISH.

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled, "An act to incorporate the Mansion Hall Square Female Seminary in the town of Poughkeepsie."

*Ordered*, That said bill be transmitted to the Governor.

A message was received from the Assembly, informing that they had passed, with the amendments therewith delivered, the bill entitled, "An act in relation to the recorder of the city of Troy."

*Ordered*, That said bill and amendments be referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the Williamsburgh Ferry Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled, 'An act in relation to suits against district school officers,' passed May 1, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the supplying of the loss of evidence of proceedings for the incorporation of the village of Corning and to constitute said village a separate road district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled, 'An act to authorise persons to change their names,' passed December 14, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to provide for supplying the city of Brooklyn with water for the extinguishment of fires and for the use of its inhabitants," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act to authorise the village of Williamsburgh to raise money by tax to pay certain debts and to provide for the payment of certain disputed matters and claims in said village, passed May 13, 1845," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act authorising the appraisal and payment of canal damages to Perkins E. Hayes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to authorise surrogates to take proofs and acknowledgment of deeds and to administer oaths," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to incorporate the Dry Dock Savings Institution in the city of New-York, passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act to incorporate the Buffalo Savings Bank, passed May 9, 1846," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

A bill was received from the Assembly for concurrence entitled, "An act to repeal the 9th section of an act for the preservation of pike or pickerel and other fish in sundry ponds and other waters, passed April 16, 1822," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to amend the charter of the Williamsburgh Fire Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act to secure the faithful expenditure of moneys raised and collected for certain charitable institutions in the first senate district, passed May 13, 1840," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act authorising the commissioners for loaning certain moneys of the United States of the county of Ulster to release from a mortgage given to said commissioners by Van Gaasbeck Wenchel, jr., a portion of the lands so mortgaged to Richard Allen," which was



read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the building of a bridge across the outlet of Crooked Lake in the town of Milo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the town clerks to administer certain oaths," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act authorising surrogates to invest surplus moneys arising from sale of real estate in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to amend title 20 of chapter 16 of the first part of the Revised Statutes, entitled 'Of the regulation of ferries,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to revive the powers of the Hedding Society of the first methodist episcopal church in the town of Cayuta, county of Chemung," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the settlement of the claim of the estate of John Jacob Mang for land taken by the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

The bill entitled, "An act to incorporate the Lewiston Suspension Bridge Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. Geddes
Mr. Bond	Mr. Cornwell	Mr. Hawley
Mr. Bush	Mr. Fine	Mr. Johnson
Mr. Clark	Mr. Floyd	Mr. Martin
Mr. Coffin	Mr. Fox	Mr. Tamblin
Mr. Cole	Mr. Frost	Mr. Treadwell
Mr. Colt	Mr. Fuller	Mr. Wilkin

21

*Ordered,* That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to authorise the justices of the supreme court to alter the time of holding the circuits in the third judicial district," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bond	Mr. Cornwell	Mr. Johnson
Mr. Bush	Mr. Fine	Mr. Martin
Mr. Clark	Mr. Floyd	Mr. Tamblin
Mr. Coffin	Mr. Fox	Mr. Treadwell
Mr. Cole	Mr. Frost	Mr. Wilkin
Mr. Colt	Mr. Geddes	

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act in relation to plank roads," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. Geddes
Mr. Bond	Mr. Cornwell	Mr. Hawley
Mr. Bush	Mr. Fine	Mr. Johnson
Mr. Clark	Mr. Fox	Mr. Martin
Mr. Coffin	Mr. Frost	Mr. Treadwell
Mr. Cole	Mr. Fuller	Mr. Wilkin
Mr. Colt		

19

FOR THE NEGATIVE.

Mr. Floyd

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to authorise a plank road in the town of Canton," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Fuller
Mr. Burch	Mr. Cook	Mr. Geddes
Mr. Bush	Mr. Cornwell	Mr. S. H. P. Hall
Mr. Clark	Mr. Fine	Mr. Hawley
Mr. Coffin	Mr. Fox	Mr. Johnson
Mr. Cole	Mr. Frost	Mr. Treadwell

18

## FOR THE NEGATIVE.

Mr. Floyd  
Mr. Martin

Mr. Tamblin

Mr. Wilkin

4

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act to amend the act in relation to railroad corporations," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts  
Mr. Bond  
Mr. Burch  
Mr. Bush  
Mr. Clark  
Mr. Coffin  
Mr. Cole  
Mr. Colt

Mr. Cook  
Mr. Cornwell  
Mr. Fine  
Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. Geddes

Mr. S. H. P. Hall  
Mr. Hawley  
Mr. Johnson  
Mr. Martin  
Mr. Tamblin  
Mr. Treadwell  
Mr. Wilkin

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to enforce the responsibility of stockholders in certain banking corporations and associations, as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations and associations," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Bond  
Mr. Burch  
Mr. Bush  
Mr. Clark  
Mr. Coffin  
Mr. Cole  
Mr. Colt

Mr. Cook  
Mr. Cornwell  
Mr. Fine  
Mr. Fox  
Mr. Frost  
Mr. Fuller

Mr. Geddes  
Mr. S. H. P. Hall  
Mr. Johnson  
Mr. Martin  
Mr. Treadwell  
Mr. Wilkin

19

## FOR THE NEGATIVE.

Mr. Floyd

1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to release the interest of the State in certain real estate of which Patrick Ward died seized to Sally McAvara, Margaret Murphy and Catharine Burns," was read the third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. S. H. P. Hall
Mr. Bond	Mr. Cornwell	Mr. Hawley
Mr. Burch	Mr. Fine	Mr. Johnson
Mr. Bush	Mr. Floyd	Mr. Martin
Mr. Clark	Mr. Fox	Mr. Tamblin
Mr. Coffin	Mr. Frost	Mr. Treadwell
Mr. Cole	Mr. Geddes	Mr. Wilkin
Mr. Colt		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act establishing free schools throughout the State," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Fuller
Mr. Bond	Mr. Cook	Mr. Geddes
Mr. Burch	Mr. Cornwell	Mr. S. H. P. Hall
Mr. Bush	Mr. Fine	Mr. Hawley
Mr. Clark	Mr. Floyd	Mr. Martin
Mr. Coffin	Mr. Fox	Mr. Treadwell
Mr. Cole	Mr. Frost	Mr. Wilkin

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act in relation to the Fabius select school in the county of Onondaga," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bond	Mr. Cook	Mr. Johnson
Mr. Burch	Mr. Cornwell	Mr. Martin
Mr. Bush	Mr. Fine	Mr. Tamblin
Mr. Clark	Mr. Floyd	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act for the relief of Jesse McKinley," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bond	Mr. Cook	Mr. Johnson
Mr. Burch	Mr. Cornwell	Mr. Martin
Mr. Bush	Mr. Fine	Mr. Tamblin
Mr. Clark	Mr. Floyd	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to lessen the severity of criminal punishments," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bush	Mr. Cornwell	Mr. Tamblin
Mr. Coffin	Mr. Fine	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	11

## FOR THE NEGATIVE.

Mr. Bond	Mr. Cook	Mr. Martin
Mr. Burch	Mr. Floyd	Mr. Wilkin
Mr. Clark	Mr. Johnson	8

Mr. Fine moved to reconsider said vote, and

On motion of Mr. Fine,

*Ordered*, That said motion lie upon the table.

The bill entitled, "An act for the relief of Lydia Harden an Indian woman," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bond	Mr. Cook	Mr. Johnson
Mr. Burch	Mr. Cornwell	Mr. Martin
Mr. Bush	Mr. Fine	Mr. Tamblin
Mr. Clark	Mr. Floyd	Mr. Treadwell
Mr. Coffin	Mr. Frost	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to amend chapter 480 of Laws of 1847 entitled, 'An act relative to the office of town superintendent of common schools, and amendatory of the Revised Statutes entitled, 'Of public instruction,' ' passed December 15, 1847," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Bond	Mr. Cook	Mr. Hawley	
Mr. Burch	Mr. Cornwell	Mr. Johnson	
Mr. Bush	Mr. Fine	Mr. Martin	
Mr. Coffin	Mr. Frost	Mr. Tamblin	
Mr. Cole	Mr. Geddes	Mr. Treadwell	
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin	18

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to amend an act to establish free schools in district No. 5 in the town of Flushing, passed March 10, 1848," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. S. H. P. Hall	
Mr. Bond	Mr. Cook	Mr. Hawley	
Mr. Burch	Mr. Cornwell	Mr. Johnson	
Mr. Bush	Mr. Fine	Mr. Martin	
Mr. Clark	Mr. Floyd	Mr. Tamblin	
Mr. Coffin	Mr. Frost	Mr. Treadwell	
Mr. Cole	Mr. Geddes	Mr. Wilkin	21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill entitled, "An act in relation to suits by and against joint stock companies and associations," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. Geddes
Mr. Bond	Mr. Cornwell	Mr. S. H. P. Hall
Mr. Bush	Mr. Fine	Mr. Hawley
Mr. Clark	Mr. Floyd	Mr. Johnson

Mr. Coffin	Mr. Fox	Mr. Tamblin	
Mr. Cole	Mr. Frost	Mr. Treadwell	
Mr. Colt	Mr. Fuller	Mr. Wilkin	21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then proceeded to consider the question on agreeing to the report of the committee of the whole on the bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals and the tolls receivable thereon."

Mr. Wilkin moved to amend the report by striking out the words "as if paid semi-annually," in the fifth line of the first section.

The President put the question upon agreeing to the said motion, and it was decided in the affirmative.

Mr. Wilkin moved further to amend the report by adding the following at the end of the fourth section :

"Provided that nothing in this act contained shall be so construed as to create any liability on the part of the State to pay any damages that may have been sustained by any person or persons whomsoever in consequence of any proceeding or acts done under or by virtue of the several acts of the Legislature mentioned in the 7th section of this act, or any of the acts amendatory of the same."

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

Mr. Cole moved further to amend the report by striking out of the first section all after the word "canal" in the 9th line, being so much of the section as provides for certain payments to be made to the owners of the pier connected with said basin."

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

▲ FOR THE AFFIRMATIVE.

Mr. Bush	Mr. Cole	2
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FOR THE NEGATIVE.

Mr. Betts	Mr. Fine	Mr. Hawley	
Mr. Bond	Mr. Floyd	Mr. Johnson	
Mr. Burch	Mr. Fox	Mr. Martin	
Mr. Coffin	Mr. Frost	Mr. Tamblin	
Mr. Colt	Mr. Fuller	Mr. Treadwell	
Mr. Cook	Mr. Geddes	Mr. Wilkin	
Mr. Cornwell	Mr. S. H. P. Hall		20

The question then being on agreeing to the report of the committee of the whole as amended,

The President then put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. S. H. P. Hall
Mr. Bond	Mr. Fine	Mr. Hawley
Mr. Burch	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Coffin	Mr. Frost	Mr. Treadwell
Mr. Colt	Mr. Fuller	Mr. Wilkin
Mr. Cook	Mr. Geddes	20

FOR THE NEGATIVE.

Mr. Clark	Mr. Cole	Mr. Johnson	3
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*Ordered*, That the said bill be engrossed for a third reading.

On motion of Mr. Treadwell,

The Senate then proceeded to the consideration of the question on agreeing with the report of the committee of the whole on the bill entitled, "An act making an appropriation for the payment of the charges and expenses for the removal of wrecks from the Albany basin."

The President then put the question on agreeing to the report of the committee of the whole, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

On motion of Mr. Bush, and by unanimous consent,

*Resolved*, That the Senate bill to incorporate the Buffalo Dry Dock Company, be referred to a select committee to report complete.

*Ordered*, That Messrs. Bush, Martin and Hawley, be said committee.

On motion of Mr. Tamblin,

*Resolved*, That the bill entitled, "An act to declare the public use of a railroad from Sacket's Harbor in the county of Jefferson to Ellisburgh in said county," be taken from the general orders and referred to a select committee of the Senators of the fifth judicial district.

*Ordered*, That Messrs. Tamblin, Clark, Bond, Burch and Geddes, be said committee.

On motion of Mr. Bond,

*Resolved*, That the bill to amend an act entitled, "An act to organise and establish a recorder's court in the city of Oswego," passed April 12, 1848, be taken from the committee of the whole and referred to a select committee to report complete.

*Ordered*, That Messrs. Bond, Clark and Betts, be said committee.

On motion of Mr. Frost,

*Resolved*, That the bill entitled, "An act to incorporate the Life Savings Benevolent Association of New-York," be taken from the general orders and referred to a select committee to report complete.



*Ordered*, That Messrs. Frost, Fox and Adams, be said committee.

On motion of Mr. Burch,

*Resolved*, That the bill to incorporate the Rockton Hydraulic Company, be taken from the general orders and referred to a select committee to report complete.

*Ordered*, That Messrs. Burch, Clark and Hawley, be said committee.

On motion of Mr. Wilkin,

*Resolved*, That the act making provision for auditing the accounts of counsel in the case of Turner vs. Smith, be referred to a select committee to report complete.

*Ordered*, That Messrs. Wilkin, Coffin and Fine, be said committee.

On motion of Mr. Floyd,

*Resolved*, That the Assembly bill entitled, "An act authorising James Peck to extend and otherwise improve the old town dock in the town of Flushing," be referred to a select committee to report complete.

*Ordered*, That Messrs. Floyd, Frost and Burch be said committee.

*Resolved*, That the bill entitled, "An act in relation to the commissioner's map of the city of Brooklyn," be referred to a select committee to report complete.

*Ordered*, That Messrs. Floyd, S. H. P. Hall and Martin, be said committee.

On motion of Mr. S. H. P. Hall,

*Resolved*, That the officers of the Williamsburg Fire Insurance Company be required to report to the Senate forthwith, under oath, the amount of its capital stock; whether the same has been all paid, and if so whether any, and if any what part of it has been lost in the course of its business, and how the amount at present in possession is invested, together with the aggregate amount covered by policies of insurance issued by it.

On motion of Mr. Wilkin,

*Ordered*, That the bill entitled, "An act to establish a court of special sessions in the city of Albany and to confer additional powers on the recorder of said city," be recommitted to the committee on the judiciary.

By unanimous consent,

Mr. Clark, from the committee on claims, to which was referred a petition for that purpose, reported a bill entitled, "An act for the relief of Campbell Harris," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Colt,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs. Colt, Bush and Martin be said committee.

By unanimous consent,

Mr. Fuller, from the select committee, reported complete the bill entitled, "An act in relation to the compensation of the treasurer of the county of Monroe."

*Ordered*, That said bill do have its third reading.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of a bill from the Assembly entitled, "An act to amend the act to authorise the trustees of the village of Williamsburgh to raise money by loan or tax to pay certain debts and to provide for the speedy liquidation and settlement of certain disputed matters and claims in said village, passed May 13, 1845," which was committed to the committee of the whole.

On motion of Mr. Cornwell,

*Resolved*, That the Senate bill entitled, "An act to declare the public use of a railroad from Batavia to Buffalo," be made the special order for Monday the 19th inst., at 12 o'clock.

On motion of Mr. Cornwell,

*Resolved*, That the Senate bill entitled, "An act to declare the public utility of a railroad from Lewiston to Niagara Falls," be made the special order for Monday the 19th inst., at 12 o'clock.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act to provide for supplying the city of Brooklyn with water for the extinguishment of fires and for the use of its inhabitants," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the supplying of the loss of evidence of proceedings for the incorporation of the village of Corning and to constitute said village a separate road district," which was committed to the committee of the whole.

Mr. Coffin, from the select committee, reported complete the bill entitled, "An act authorising the commissioners for loaning certain moneys of the United States of the county of Ulster to release from a mortgage given to said commissioners by Van Gaasbeck Wenchel, jr., a portion of the lands so mortgaged to Richard Allen."

*Ordered*, That said bill do have its third reading.

On motion of Mr. Bond,

*Resolved*, That the Senate bill in relation to the Natural History of the State of New-York, be referred to a select committee to report complete.

*Ordered*, That Messrs. Bond, Bush and Hawley, be said committee.

Mr. Wilkin, from the select committee, reported complete the bill entitled, "An act to enable Anthony Barclay to take and hold real estate."

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the committee on the judiciary, reported in fa-

vor of the passage of the following bills from the Assembly, which were severally committed to the committee of the whole, viz :

"An act to amend an act entitled, 'An act to authorise persons to change their names,' passed December 14, 1847," also

"An act to authorise the town clerks to administer certain oaths," also

"An act authorising surrogates to invest surplus moneys arising from sale of real estate in certain cases," also

"An act to authorise surrogates to take proofs and acknowledgment of deeds and to administer oaths."

The bill from the Assembly entitled, "An act to make the clerk's office of Erie county a salary office," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. S. H. P. Hall
Mr. Bond	Mr. Fine	Mr. Hawley
Mr. Burch	Mr. Floyd	Mr. Johnson
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Coffin	Mr. Frost	Mr. Tamblin
Mr. Cole	Mr. Fuller	Mr. Treadwell
Mr. Colt	Mr. Geddes	Mr. Wilkin
Mr. Cook		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act authorising the commissioners for loaning certain moneys of the United States of the county of Ulster to release from a mortgage given by Van Gaasbeck Wenchell, jr., a portion of the land so mortgaged to Richard Allen," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. S. H. P. Hall
Mr. Bond	Mr. Cornwell	Mr. Hawley
Mr. Burch	Mr. Fine	Mr. Johnson
Mr. Bush	Mr. Floyd	Mr. Martin
Mr. Coffin	Mr. Fox	Mr. Treadwell
Mr. Cole	Mr. Frost	Mr. Wilkin
Mr. Colt	Mr. Fuller	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act further to amend the act to provide for the construction of a railroad from Attica to Buffalo, passed May 13, 1836," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. S. H. P. Hall
Mr. Bond	Mr. Cornwell	Mr. Johnson
Mr. Burch	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Coffin	Mr. Frost	Mr. Treadwell
Mr. Cole	Mr. Fuller	Mr. Wilkin
Mr. Colt	Mr. Geddes	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act increasing the number of justices of the superior court in the city of New-York and to increase its jurisdiction," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fox	Mr. Johnson
Mr. Bush	Mr. Frost	Mr. Martin
Mr. Coffin	Mr. Fuller	Mr. Tamblin
Mr. Cole	Mr. Geddes	Mr. Treadwell
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook		

16

FOR THE NEGATIVE.

Mr. Burch	Mr. Cornwell
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Mr. Cornwell moved a reconsideration of the vote rejecting said bill, which motion was agreed to.

A bill was received from the Assembly for concurrence entitled, "An act to declare the public utility of a railroad from the city of Syracuse to the city of Rochester on the most direct and eligible route," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to provide for the construction of a railroad from the navigable waters of the great western lakes to Lake Champlain, passed May 14, 1845," which was read the time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A bill was received from the Assembly for concurrence entitled, "An act to provide for liquidating the claims of Horace Hotchkiss and William P. Smith against the Sing Sing prison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the sale of lands for taxes hereafter assessed in the counties where such lands are situated," which was read the first time, and by unanimous consent was also read the second time.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act to extend the time for the county superintendents of the poor elected in November, 1848, to execute and file their official bond and to take the oath of office."

*Ordered*, That said bill be returned to the Assembly.

On motion of Mr. S. H. P. Hall,

The further consideration of the bill entitled, "An act to amend the act to incorporate the Genesee Wesleyan Seminary, passed May 1, 1834," was indefinitely postponed.

The Senate then took a recess until 4 o'clock P. M.

#### 4 O'CLOCK P. M.

The Senate again met.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to amend the act to simplify and abridge the practice, pleadings and proceedings of the courts in this State, passed April 12, 1848," and after some time spent thereon, Mr. Johnson, from said committee, reported progress, and asked for and obtained leave to sit again.

And then the Senate adjourned till 10 o'clock to-morrow morning.

#### SATURDAY, 10 O'CLOCK A. M., MARCH 17, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Waggoner.

The Journal of yesterday was read and approved.

Mr. S. H. P. Hall presented a petition for an act to authorise the

corporation of the city of Brooklyn to purchase land for a public burying ground.

Mr. Burch presented a petition of 43 citizens of Amsterdam for the general insurance law.

Mr. Fox, from the committee on the erection and division of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to annex a part of the town of Sparta to North Dansville," which was committed to the committee of the whole.

Mr. Tamblin, from the committee on public printing, reported in favor of printing ten times the usual number of the report of the select committee on the subject of the revision of the code, which report was agreed to.

Mr. Cornwell, from the majority of the committee on railroads, reported in favor of the passage of the bill from the Assembly entitled, "An act to declare the public use of a railroad from the city of Syracuse to the city of Rochester on the most direct and eligible route," which was committed to the committee of the whole.

Mr. Coffin, from the committee on banks and insurance companies, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act to incorporate the Dry Dock Savings Institution in the city of New-York, passed April 12, 1848," which was committed to the committee of the whole.

Mr. Burch, from the committee on commerce and navigation, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend title 2 of chapter 16 of the first part of the Revised Statutes, entitled 'Of the regulation of ferries,'" which was committed to the committee of the whole.

Mr. Frost from the committee on charitable and religious societies, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the act to secure the faithful expenditure of moneys raised and collected for certain charitable institutions in the first senate district, passed May 13, 1840," which was committed to the committee of the whole.

Mr. Frost, from the committee on charitable and religious societies, reported in favor of the passage of the bill from the Assembly entitled, "An act to revive the powers of the Hedding Society of the first methodist episcopal church in the town of Cayuta, county of Chemung," which was committed to the committee of the whole.

Mr. Frost, from the committee on charitable and religious societies, reported in favor of the passage of the bill from the Assembly entitled, "An act to incorporate the Methodist Episcopal Church, Garretson Station, Albany," which was committed to the committee of the whole.

Mr. Coffin, from the committee on banks and insurance companies, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the charter of the St. Lawrence County Mutual Insurance Company," which was committed to the committee of the whole.

Mr. Tamblin, from the select committee of Senators from the 5th judicial district, reported complete, with amendments, the bill entitled, "An act to declare the public use of a railroad from Sacket's Harbor in the county of Jefferson to the town of Ellisburgh in the same county," which amendments were agreed to.

*Ordered,* That said bill do have its third reading.

Mr. Treadwell, from the select committee, reported complete, with amendments, the bill entitled, "An act to authorise the city of Schenectady to borrow money for purposes mentioned therein," which amendments were agreed to.

*Ordered,* That said bill do have its third reading.

Mr. Burch, from the select committee, reported complete the bill entitled, "An act to incorporate the Rockton Hydraulic Company."

*Ordered,* That said bill do have its third reading.

Mr. Floyd, from the select committee, reported complete, with amendments, the bill entitled, "An act to alter the commissioner's map of the city of Brooklyn" which amendments were agreed to.

*Ordered,* That said bill do have its third reading.

Mr. Cornwell, from the majority of the select committee appointed at the last session of the Legislature, to make investigation of the affairs of the Sing Sing prison, made a report in writing, which was laid on the table.

By unanimous consent,

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, to which was referred the petition for that purpose, reported a bill entitled, "An act to authorise the mayor and common council of Brooklyn to purchase a public burying ground," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Frost, from the select committee, reported complete the bill entitled, "An act to incorporate the Life Savings Benevolent Association of New-York."

*Ordered,* That the said bill do have its third reading.

Mr. Colt, from the select committee, reported complete the bill entitled, "An act for the relief of Campbell Harris."

Mr. Floyd moved to recommit said bill to the committee of the whole.

The President put the question upon agreeing to said motion, and it was decided in the negative.

The report of the committee was then agreed to, and said bill ordered to a third reading.

Mr. Clark, from the select committee, reported complete the bill entitled, "An act to amend and consolidate the several acts relating to the city of Utica."

*Ordered,* That said bill do have its third reading.

By unanimous consent,

Mr. Treadwell introduced a bill entitled, "An act to open and extend a highway from the city of Albany to the town of Watervliet in the county of Albany," which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent,

Mr. Johnson introduced a bill entitled, "An act for the relief of persons assessed for personal estate in several towns," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Johnson,

Said bill was referred to the select committee on so much of the Governor's message as relates to the subject of taxation.

By unanimous consent,

Mr. Burch, from the committee on commerce and navigation, to which was referred so much of the Governor's message as relates to the fees of the health officer of the port of New-York, introduced a bill entitled, "An act to make the health officer and deputy health officer of the port of New-York salary offices," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Fox gave notice that he would, at a future day, ask leave to introduce a bill to incorporate the Sand Lake and Albany plank road company.

On motion of Mr. Cole,

*Resolved*, That the committee of the whole be discharged from the further consideration of the bill to authorise the canal commissioners to build a bridge across the Erie canal in the village of Medina, and that the same be referred to a select committee to report complete.

*Ordered*, That Messrs. Cole, Colt and Hawley, be said committee.

By unanimous consent,

Mr. Johnson presented a memorial of the mayor, aldermen and commonalty of the city of New-York against the passage of the act for the government of the department of Alms and Penitentiary in the city of New-York, which was referred to the select committee.

The President laid before the Senate a communication from the Canal Commissioners in answer to a resolution of the Senate of Feb. 17, 1849, relative to a basin in the vicinity of lock No. 2 in the Erie canal near the city of Albany, which was laid on the table.

Mr. Coffin offered for the consideration of the Senate the following resolution :

*Resolved*, That a committee of eight be appointed by the President of the Senate to select such bills as are proper to be referred to select committees to report complete.

Mr. S. H. P. Hall moved to amend said resolution by adding thereto the words, "and that no bill shall be reported which is objected to by any member of the committee."

The President put the question whether the Senate would agree to the amendment, and it was decided in the affirmative.



Mr. Tamblin, from the select committee of Senators from the 5th judicial district, reported complete, with amendments, entitled, "An act to declare the public use of a railroad from the Harbor in the county of Jefferson to the town of Ellis in the same county," which amendments were agreed to.

*Ordered*, That said bill do have its third reading.

Mr. Treadwell, from the select committee, reported with amendments, the bill entitled, "An act to authorize the Schenectady to borrow money for purposes mentioned," which amendments were agreed to.

*Ordered*, That said bill do have its third reading.

Mr. Burch, from the select committee, reported entitled, "An act to incorporate the Rockton Hamlet."

*Ordered*, That said bill do have its third reading.

Mr. Floyd, from the select committee, reported with amendments, the bill entitled, "An act to alter the map of the city of Brooklyn" which amendments were agreed to.

*Ordered*, That said bill do have its third reading.

Mr. Cornwell, from the majority of the committee on the affairs of the Sing Sing prison, made a report, which was laid on the table.

By unanimous consent,

Mr. S. H. P. Hall, from the committee on the cities and villages, to which was referred a bill introduced, reported a bill entitled, "An act to amend the common council of Brooklyn to provide for the sale of land which was read the first time, and also read the second time, and passed the whole."

Mr. Frost, from the select committee, reported entitled, "An act to incorporate the Association of New-York."

*Ordered*, That the said bill do have its third reading.

Mr. Colt, from the select committee, reported entitled, "An act for the relief of the people of the State."

Mr. Floyd moved to amend the whole.

The President put the question, and it was decided in the affirmative.

The report of the committee on the bill ordered to a third reading.

Mr. Clark, from the select committee, reported entitled, "An act to amend the city of Utica."

*Ordered*, That the said bill do have its third reading.

The select committee, reported complete, with amendments, "An act authorising the Governor, and the Council of State, to audit the accounts of coun-

turner in the supreme court of  
its were agreed to.

ts third reading.

g an appropriations for the pay-  
the removal of wrecks from the  
time, but a sufficient number of  
was laid aside.

tee of the whole, proceeded to the  
order for the day being the bill entitled,  
adison University," and after some time  
i, from said committee, reported progress,  
d leave to sit again.

ent,

the petition of Phillips and Moore for relief,  
the committee on canals.

ived from the Assembly informing the Senate  
the following bill with the amendments there-

prise the justices of the supreme court to alter the  
the circuits in the third judicial district," and with  
he following section :

shall take effect immediately.

nt put the question upon agreeing to the said amend-  
was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

ee	Mr. Colt	Mr. Hawley
nd	Mr. Cornwell	Mr. Johnson
ark	Mr. Fox	Mr. Martin
offin	Mr. Frost	Mr. Treadwell
	Mr. Fuller	Mr. Whallon
Cole	Mr. S. H. P. Hall	

17

*Ordered,* That the Clerk return said bill to the Assembly, with a  
message informing that the Senate have concurred in their amend-  
ment thereto.

And then the Senate adjourned till Monday morning at 10  
o'clock.

Mr. Hawley moved to reconsider the vote adopting said amendment.

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

The question then being on agreeing to the resolution as offered by Mr. Coffin,

The President put the question upon agreeing to the said resolution, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Burch	Mr. Fine	Mr. Hawley	
Mr. Coffin	Mr. Fox	Mr. Johnson	
Mr. Cole	Mr. Frost	Mr. Martin	
Mr. Colt	Mr. Fuller	Mr. Wilkin	
Mr. Cornwell			13

#### FOR THE NEGATIVE.

Mr. Floyd	Mr. Tamblin	Mr. Treadwell	
Mr. S. H. P. Hall			4

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act in relation to certain expenses incurred in excavating the Albany basin and the tolls thereon," also

"An act to enable Anthony Barclay to take and hold real estate," also

"An act making appropriations for the payment of expenses incurred by the removal of wrecks from the Albany basin," also

"An act in relation to common schools in the village of Medina."

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to establish a court of special sessions in the city of Albany and to confer further judicial powers on the recorder of said city," which was committed to the committee of the whole.

On motion of Mr. Johnson,

*Resolved*, That the bill entitled, "An act to increase the number of justices in the superior court of the city of New-York and to extend the jurisdiction of said court," be recommitted to the committee of the whole, and be made the special order for this day.

The Senate then resolved itself into a committee of the whole on said bill, and after some time spent thereon, Mr. Treadwell, from said committee, reported in favor of the passage of the same with amendments, which report was agreed to and said bill ordered to a third reading.

By unanimous consent,

Mr. Wilkin, from the select committee, reported complete, with amendments, the bill entitled, "An act authorising the Governor, Comptroller, and Secretary of State, to audit the accounts of coun-

sel in the case of *Smith vs. William Turner* in the supreme court of the United States," which amendments were agreed to.

*Ordered*, That said bill do have its third reading.

The bill entitled, "An act making an appropriations for the payment of charges and expenses for the removal of wrecks from the Albany basin," was read a third time, but a sufficient number of Senators not voting thereon it was laid aside.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day being the bill entitled, "An act in relation to the Madison University," and after some time spent thereon, Mr. Cornwell, from said committee, reported progress, and asked for and obtained leave to sit again.

By unanimous consent,

Mr. Cole presented the petition of Phillips and Moore for relief, which was referred to the committee on canals.

A message was received from the Assembly informing the Senate that they had passed the following bill with the amendments therewith delivered :

"An act to authorise the justices of the supreme court to alter the time of holding the circuits in the third judicial district," and with the addition of the following section :

§ This act shall take effect immediately.

The President put the question upon agreeing to the said amendment, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	

17

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment thereto.

And then the Senate adjourned till Monday morning at 10 o'clock.

MONDAY, 10, O'CLOCK A. M., MARCH 19, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Selkirk.

The Journal of Saturday was read and approved.

The President announced as the select committee to select such bills as they thought proper to be referred to committees to report complete, Messrs. Coffin, Clark, Cole, Colt, S. H. P. Hall, Johnson, Smith and Whallon.

Mr. Frost presented the remonstrance of merchants and ship owners of New-York against the proposed pilot law, which was committed to the committee of the whole.

Mr. Cornwell presented the papers in relation to the annexation of a part of Covert to Tompkins county, which were referred to the committee on the erection and division of towns and counties.

Mr. S. H. P. Hall presented a remonstrance from Chemung co. against the proposed law relative to building a jail in that county, which was referred to the committee on the internal affairs of towns and counties.

Mr. Colt presented a remonstrance against the passage of the Union school bill, which was committed to the committee of the whole.

Mr. Clark, from the committee on claims, reported adverse to the passage of the bill from the Assembly entitled, "An act for the appraisal of damages of Aaron Knapp in the construction of the Le-land pond reservoir," which was committed to the committee of the whole.

Mr. Burch, from the committee on commerce and navigation, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act to incorporate the Williamsburgh Ferry Company," which was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to the Madison University," and after some time spent thereon, Mr. Cornwell, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Clark,

The committee on claims were discharged from the further consideration of the act to provide for the settlement of the claim of John Jacob Mang for land taken by the State, and it was referred to the committee on the judiciary.

Mr. Treadwell, from the committee on roads and bridges, reported in favor of the passage of the bill entitled, "An act to open and extend a highway from Albany to Watervliet in the county of Albany," which was committed to the committee of the whole.

Mr. Cole, from the select committee, reported complete the bill entitled, "An act authorising the canal commissioners to build a bridge across the Erie canal in the village of Medina."

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. Cole, in behalf of Mr. Coffin, presented the petition of the Hudson and Berkshire Railroad Company for repeal of the act of May 7, 1839, granting land under water, which was referred to the committee on commerce and navigation.

Mr. Cole, in behalf of Mr. Coffin, asked for and obtained leave to introduce a bill entitled, "An act to revive and amend an act to grant to the Hudson and Berkshire Railroad Company certain land under water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Floyd, from the committee on claims, reported adverse to the passage of the bill from the Assembly entitled, "An act for the appraisal and payment of canal damages to Matthew Sayre," which was committed to the committee of the whole.

Mr. Floyd, from the committee on claims, reported in favor of the passage of the bill from the Assembly entitled, "An act authorising the settlement of the claim of Amos B. King and James H. King, assignees of William M. King, for work done on the Erie canal enlargement, and for materials furnished by them," which was committed to the committee of the whole.

Mr. Clark, from the committee on claims, to which was referred a petition for that purpose, reported a bill entitled, "An act in relation to the estate of Amasa Wilson, deceased, late of Kirkland in the county of Oneida," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

On motion of Mr. Johnson,

*Resolved*, That the bill to create a fund for the benefit of the Stockbridge Indians, and the bill for settlement of the claims of the first christian party of Oneida Indians, be referred to the same committee of the whole, and be made the special order for Tuesday next at 12 o'clock.

Mr. Frost gave notice that he would, at an early day, ask leave to introduce a bill to continue in force the act to incorporate an association for the relief of respectable aged indigent females in the city of New-York, passed March 10, 1815.

On motion of Mr. Wilkin,

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend the act entitled, 'An act to simplify, and abridge the practice, pleadings and proceedings of the courts of this State,' passed April 12, 1848," and after some time spent thereon, Mr. Johnson, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then, in committee of the whole, proceeded to the consideration of the special order of the day, being the bill entitled, "An act to declare the public use of a railroad from Lewiston to Niagara Falls," and after some time spent thereon, Mr. Floyd, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to declare the public use of a railway from Batavia to Buffalo," and after some time spent thereon, Mr. Floyd, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to repeal the act for the registry of births, marriages and deaths," and after some time spent thereon, Mr. Bush, from said committee, reported progress, and asked for and obtained leave to sit again.

The bill entitled, "An act to authorise Anthony Barclay to take, hold, convey and devise real estate," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Burch	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Wilkin
		18

#### FOR THE NEGATIVE.

Mr. Floyd	Mr. Geddes	2
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to amend the charter of the city of Albany in relation to the number and manner of electing the assessors in said city," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bond	Mr. Fox	Mr. Johnson
Mr. Burch	Mr. Frost	Mr. Martin
Mr. Bush	Mr. Geddes	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cole	Mr. W. Hall	
		17

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act in relation to certain expenses incurred in excavating the basin at the eastern termination of the Erie and Champlain canals and the tolls receivable thereon," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Floyd	Mr. W. Hall	
Mr. Bond	Mr. Fox	Mr. Hawley	
Mr. Burch	Mr. Frost	Mr. Martin	
Mr. Bush	Mr. Fuller	Mr. Tamblin	
Mr. Colt	Mr. Geddes	Mr. Treadwell	
Mr. Cornwell	Mr. S. H. P. Hall	Mr. Wilkin	18

## FOR THE NEGATIVE.

Mr. Clark	Mr. Cole	Mr. Johnson	3
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act making appropriations for charges and expenses incurred in removing wrecks from the Albany basin," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fox	Mr. Hawley	
Mr. Bond	Mr. Frost	Mr. Johnson	
Mr. Burch	Mr. Fuller	Mr. Martin	
Mr. Bush	Mr. Geddes	Mr. Tamblin	
Mr. Colt	Mr. S. H. P. Hall	Mr. Treadwell	
Mr. Cornwell	Mr. W. Hall	Mr. Wilkin	
Mr. Floyd			19

## FOR THE NEGATIVE.

Mr. Clark		1
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to establish courts of civil and criminal jurisdiction in Brooklyn," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :



## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. W. Hall
Mr. Bond	Mr. Floyd	Mr. Hawley
Mr. Burch	Mr. Fox	Mr. Johnson
Mr. Bush	Mr. Frost	Mr. Martin
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. Geddes	Mr. Wilkin
Mr. Colt	Mr. S. H. P. Hall	

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Assembly sent for concurrence a joint resolution of thanks to Maj. Gen. Winfield Scott.

On motion of Mr. W. Hall,

*Resolved*, That the Senate do unanimously concur in said resolutions.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage thereof.

A message was received from the Assembly informing that they have concurred in the amendments of the Senate to the bill entitled, "An act further to amend 'An act to provide for the construction of a railroad from Attica to Buffalo,' passed May 3, 1836."

A bill was received from the Assembly for concurrence entitled, "An act authorising the Comptroller to receive the returns of certain unpaid taxes on non-resident lands in the county of Cortland for the year 1846," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

A bill was received from the Assembly for concurrence entitled, "An act to declare the public use of a railroad from Troy to the state line of Vermont," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A bill was received from the Assembly for concurrence entitled, "An act granting to George F. Von Beck the right to establish a ferry across the Rondout creek," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The Senate then took a recess until 4 o'clock P. M.

## 4 O'CLOCK P. M.

The Senate again met.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend the act to simplify and abridge

the practice, pleadings and proceedings of the courts in this State, passed April 12, 1848," and after some time spent thereon, Mr. Johnson, from said committee, reported progress, and asked for and obtained leave to sit again.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to provide for the appointment and payment of a clerk or clerks in the office of the surrogate of the county of Kings," which was committed to the committee of the whole.

On motion of Mr. S. H. P. Hall,

*Resolved*, That the Senate will hereafter, at a quarter of two o'clock, rise from committee of the whole, if in such committee, and for which a motion to rise shall not be necessary, and shall, at two o'clock, take a recess until four o'clock, and at six o'clock shall take a recess until seven o'clock.

And then the Senate adjourned till 10 o'clock to-morrow morning.

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## TUESDAY, 10 O'CLOCK A. M., MARCH 20, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Sands.

The Journal of yesterday was read and approved.

Mr. Fine presented a petition for an alteration of the charter of the Oswegatchie navigation company, which was referred to the committee on commerce and navigation.

Mr. Martin presented the petition of 260 citizens of Scio and Independence in Allegany co. for a new town, which was referred to the committee on the erection and division of towns and counties.

Mr. Wilkin presented the remonstrance of Cyrus Shaw and others against the passage of the Assembly bill for the relief of Moses Randall, which was committed to the committee of the whole.

Mr. W. Hall presented the remonstrance of Peter J. Nevins and 99 merchants and ship masters against the passage of the pilot law, which was committed to the committee of the whole.

Mr. Fox presented the remonstrance of inhabitants along the eastern union turnpike against making said turnpike a district road, which was referred to the committee on roads and bridges.

Mr. Cole presented the petition of citizens of Orleans county that the provisions of the 20th section of the general railroad law may be extended to the Lockport and Niagara Falls company, which was referred to the committee on railroads.

Mr. Martin presented the remonstrance of 170 ship owners and masters of Suffolk co. against any alteration of the pilot laws, which was committed to the committee of the whole.

Mr. Martin, from the committee on canals, to which was referred the petition for that purpose, reported a bill entitled, "An act for the relief of Lyman H. Philips and Zebulon Moore," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of concurring in the amendments of the Assembly to the bill entitled, "An act in relation to the recorder of the city of Troy."

The President put the question whether the Senate would agree to said amendments, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Mr. Bond	Mr. Fine	Mr. W. Hall
Mr. Burch	Mr. Floyd	Mr. Hawley
Mr. Clark	Mr. Fox	Mr. Johnson
Mr. Cole	Mr. Frost	Mr. Martin
Mr. Colt	Mr. Geddes	Mr. Treadwell
Mr. Cornwell	Mr. S. H. P. Hall	Mr. Wilkin
		18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment thereto.

Mr. S. H. P. Hall, from the committee on state prisons, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act in relation to Sing Sing prison," which was committed to the committee of the whole.

Mr. Clark, from the committee on claims, reported adverse to the passage of the bill from the Assembly entitled, "An act providing for the payment of interest on canal damages to John E. Van Alstine," which was committed to the committee of the whole.

Mr. Treadwell, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act authorising the commissioners of highways in the town of Northfield to lease certain town property," which was committed to the committee of the whole.

Mr. Clark, from the committee on claims, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the appraisal and payment of canal damages to John King," which was committed to the committee of the whole.

Mr. Treadwell, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to provide for the building of a bridge across the outlet of Crooked Lake in the town of Milo," which was committed to the committee of the whole.

Mr. Cornwell, from the select committee, reported a bill entitled, "An act providing for the publication of certain colonial documents

of the history of this State," which was read the first time, and by unanimous consent was also read the second time.

Mr. Cornwell moved that said bill be referred to a select committee to report complete.

Mr. Floyd moved that said bill be committed to the committee of the whole.

The President put the question upon agreeing to said motion of Mr. Floyd, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Fine	Mr. Floyd	Mr. Hawley	8
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FOR THE NEGATIVE.

Mr. Bond	Mr. Cornwell	Mr. W. Hall	
Mr. Burch	Mr. Fox	Mr. Johnson	
Mr. Bush	Mr. Frost	Mr. Martin	
Mr. Cole	Mr. Geddes	Mr. Treadwell	
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin	15

The President then put the question upon agreeing to the motion of Mr. Cornwell, and it was decided in the affirmative.

*Ordered*, That Messrs. Cornwell, Cole and Bush, be said committee.

Mr. Bond, from the select committee, reported complete the bill entitled, "An act in relation to the Natural History of the State of New-York."

*Ordered*, That said bill do have its third reading.

The President laid before the Senate the report of the N. Y. agency of the Buffalo Fire insurance and Marine Insurance Company in answer to a resolution of the Senate of the 26th February.

The President laid before the Senate the report of the Hon. Augustus C. Hand, one of the judges of the supreme court, in answer to a resolution of the Senate calling for a copy of the minutes of the trial of Theodore Olcott for embezzlement and larceny. on the 12th October, 1848, which was referred the select committee appointed to investigate the affairs of the Canal Bank.

Mr. Bush, from the select committee, reported complete the bill entitled, "An act to incorporate the Buffalo Dry Dock and Marine Railway Company."

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act entitled, 'An act in relation to suits against district school officers,' passed May 1, 1847," which was committed to the committee of the whole.

Mr. Bond, from the select committee, reported complete the bill entitled, "An act to amend an act entitled, 'An act to organise and

establish a recorder's court in the city of Oswego,' passed April 12, 1848."

*Ordered*, That said bill do have its third reading.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills:

"An act authorising the Canal Commissioners to build a bridge across the Erie canal at Medina," also

"An act authorising the Governor, Comptroller, and Secretary of State, to audit the accounts of counsel in the case of Smith vs. William Turner in the supreme court of the United States," also

"An act to declare the public use of a railroad from Sackets Harbor in the county of Jefferson to the town of Ellisburgh in the same county," also

"An act to alter the commissioner's map of the city of Brooklyn," also

"An act for the relief of Campbell Harris."

By unanimous consent,

Mr. Cornwell, from the select committee, reported complete the bill entitled, "An act to provide for the publishing of certain documents relating to the colonial history of the State."

Mr. Floyd moved to amend the report by adding the following as an additional section:

§ It shall be lawful for any citizen of this State to copy for publication the whole or any part of the colonial history of this State now in the office of the Secretary of State.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts  
Mr. Fine

Mr. Floyd

Mr. Hawley

4

#### FOR THE NEGATIVE.

Mr. Bond  
Mr. Burch  
Mr. Bush  
Mr. Cole  
Mr. Colt

Mr. Cornwell  
Mr. Fox  
Mr. Frost  
Mr. Geddes  
Mr. S. H. P. Hall

Mr. W. Hall  
Mr. Johnson  
Mr. Martin  
Mr. Treadwell

14

The report of the committee was then agreed to, and said bill ordered to a third reading.

On motion of Mr. S. H. P. Hall,

The Senate then resolved itself into a committee of the whole on the bill entitled "An act in relation to Sing Sing prison," and after some time spent thereon, Mr. Treadwell, from said committee, reported in favor of the passage of the same with amendments.

Mr. Cornwell moved to amend the report by adding the following as a new section:

§ The agent of the Sing Sing state prison, under the direction of the commissioners of the land office, may advertise to receive

proposals at a certain hour of a particular day, for the purchase from the state of such part of the farm and premises upon which said prison is situated lying east of the highway, and the said commissioners may in their discretion accept such proposals, and in case of such acceptance the agent is hereby authorised, upon payment therefor, to execute to the purchaser a sufficient conveyance by deed of the premises sold.

Pending the question thereon,

The Senate then proceeded to the consideration of executive business.

When the executive session was closed,

The President put the question upon agreeing to the said amendment, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Cole	Mr. Fox	Mr. Treadwell
Mr. Colt	Mr. Geddes	Mr. Wilkin
Mr. Cornwell		

7

FOR THE NEGATIVE.

Mr. Betts	Mr. Frost	Mr. W. Hall
Mr. Burch	Mr. Fuller	Mr. Johnson
Mr. Fine	Mr. S. H. P. Hall	Mr. Martin
Mr. Floyd		

10

The report of the committee was then agreed to, and said bill ordered to a third reading.

On motion of Mr. Martin,

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to the canals and canal damages," and after some time spent thereon, Mr. Treadwell, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Frost asked for and obtained leave to introduce a bill entitled, "An act to continue in force the act to incorporate the association for the aid of respectable aged indigent females in New-York, passed March 10, 1815," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

On motion of Mr. Cornwell,

*Resolved*, That the bill declaring the public utility of a railroad from Syracuse to Rochester on the most direct and eligible route, be made a special order for Friday the 23d inst., at 11 A. M.

On motion of Mr. Burch,

*Resolved*, That the Assembly bill to authorise the Fultonville and Johnstown plank road company to erect a bridge across the Mohawk river, be made the special order for Wednesday at 12 o'clock.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act creating a fund for the benefit of the Stockbridge Indians," and after some time spent thereon, Mr. Fuller, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

By unanimous consent,

Mr. Fuller presented the petition of the Syracuse coarse salt company for relief, which was referred to the committee on claims.

The bill entitled, "An act to increase the number of justices of the superior court in the city of New-York and to extend the jurisdiction of said court," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. S. H. P. Hall
Mr. Bond	Mr. Cornwell	Mr. W. Hall
Mr. Burch	Mr. Fox	Mr. Johnson
Mr. Bush	Mr. Frost	Mr. Martin
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. Geddes	Mr. Wilkin

18

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day being the bill entitled, "An act in settlement of the claim of the first christian party of Oneida Indians," and after some time spent thereon, Mr. Fuller, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Floyd, from the select committee, reported complete, with amendments, the bill entitled, "An act authorising James Peck to extend and otherwise improve the old dock in the town of Flushing," which report was agreed to.

*Ordered,* That said bill do have its third reading.

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. S. H. P. Hall
Mr. Bond	Mr. Floyd	Mr. W. Hall
Mr. Clark	Mr. Fox	Mr. Johnson
Mr. Cole	Mr. Frost	Mr. Martin
Mr. Colt	Mr. Fuller	Mr. Treadwell
Mr. Cornwell	Mr. Geddes	Mr. Wilkin

18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same with the amendments therewith delivered.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act to amend the charter of the city of Albany in relation to the number and manner of electing the assessors for said city."

*Ordered*, That said bill be returned to the Assembly.

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled, "An act authorizing the executors and trustees of Thomas Poole, formerly of Brooklyn, deceased, to sell certain portions of his real estate."

*Ordered*, That said bill be transmitted to the Governor.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the New-York and Havre Steam Navigation Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to improve the Cayuga creek road in the county of Erie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act for the more effectual prevention of fires in the city of New-York and to amend the acts heretofore passed for that purpose," which was read the first time, and by unanimous consent was also read the second time, and referred to a select committee consisting of Senators from the 6th, 7th, 8th and 9th districts.

A bill was received from the Assembly for concurrence entitled, "An act making an appropriation to the Buffalo Hospital of the sisters of charity," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to repeal an act in relation to the Madison University," and after some time spent thereon, Mr. Cornwell, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Fuller,

The further consideration of said bill was made the special order for Wednesday at 11 o'clock.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to declare the public use of a railroad from Batavia to Buffalo," and after some time spent thereon, Mr. Floyd, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to declare the public use of a railroad



from Lewiston to Niagara Falls," and after some time spent thereon, Mr. Floyd, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Bond,

*Resolved*, That the bill entitled, "An act to authorise the commissioners of the land office to sell unappropriated lands," be referred to a select committee to report complete.

*Ordered*, That Messrs. Bond, Fine and Fox, be said committee.

The Senate then took a recess until 4 o'clock P. M.

#### 4 O'CLOCK P. M.

The Senate again met.

By unanimous consent,

Mr. Colt presented a petition and remonstrance relative to the passage of the Union Dansville school, which was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend the act to simplify and abridge the practice, pleadings and proceedings of the courts in this State, passed April 12, 1848," and after some time spent thereon, Mr. Johnson, from said committee, reported progress, and asked for and obtained leave to sit again.

The bill entitled, "An act to change the commissioners map of the city of Brooklyn," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

##### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. W. Hall
Mr. Bokee	Mr. Fine	Mr. Hawley
Mr. Burch	Mr. Fox	Mr. Johnson
Mr. Clark	Mr. Frost	Mr. Martin
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. Geddes	Mr. Wilkin
Mr. Colt	Mr. S. H. P. Hall	20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then took a recess until 7 P. M.

#### 7 O'CLOCK P. M.

The Senate again met.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend the act entitled, 'An act to sim-

plify and abridge the practice, pleadings and proceedings of the courts of this State, passed April 12, 1848," and after some time spent thereon, Mr. Johnson, from said committee, reported progress, and asked for and obtained leave to sit again.

And then the Senate adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, 10 O'CLOCK A. M., MARCH 21, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Selkirk.

The Journal of yesterday was read and approved.

The President laid before the Senate the following letter from Mrs. Kesiah Williams, widow of the Hon. Timothy S. Williams, late Senator from the twenty-fifth district, which was read by the President and ordered entered on the journal :

*Ithaca, March 17, 1849.*

HON. GEO. W. PATTERSON,  
*President of the Senate :*

DEAR SIR—Your letter dated March 12, transmitting a copy of the resolutions adopted by the Senate upon receiving the intelligence of the death of my lamented husband, is received.

For the expressions of kindness and sympathy contained in these resolutions, and also those of your own words, I offer my sincere thanks, feeling that in this hour of affliction, Divine Providence rules and "doeth all things well."

Respectfully yours,

KESIAH WILLIAMS.

Mr. Fox presented the remonstrance of citizens of Stephentown against annulling the charter of the eastern union turnpike company, which was referred to the committee on roads and bridges.

Mr. Floyd presented the remonstrance of citizens of Patchogue against the proposed pilot laws, which was committed to the committee of the whole.

Mr. Burch presented the petition of 114 citizens of Little Falls against the traffic in intoxicating liquors, which was referred to the select committee on that subject.

Mr. Frost, from the committee on charitable and religious societies, reported in favor of the passage of the bill entitled, "An act to continue in force an act to incorporate the association for the relief of respectable aged indigent females in the city of New-York,

passed March 10, 1815," which was committed to the committee of the whole.

Mr. Martin, from the committee on canals, reported in favor of the passage of the bill entitled, "An act authorising the appraisal and payment of certain canal damages sustained by Elias Wilcox," which was committed to the committee of the whole.

Mr. Treadwell, from the select committee, reported complete the bill entitled, "An act to incorporate the proprietors of the Albany pier."

*Ordered*, That said bill do have its third reading.

Mr. Bond, from the select committee, reported complete the bill entitled, "An act to authorise the commissioners of the land office to sell unappropriated lands."

*Ordered*, That said bill do have its third reading.

Mr. Clark reported adverse on the petition of Augustus Stockwell and others praying for compensation for a deficiency in lot 75, Ly-sander, which report was agreed to.

Thereupon,

*Resolved*, That the prayer of the petitioners be denied.

Mr. Burch, from the committee on commerce and navigation, to which was referred a petition for that purpose, reported a bill entitled, "An act to renew and amend an act to grant to the Hudson and Berkshire Railroad Company certain land under water," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

In pursuance of previous notice,

Mr. Frost asked for and obtained leave to introduce a bill entitled, "An act to compel steamboats to carry small boats for the protection of passengers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act to improve the Cayuga creek road in the county of Erie, passed March 29, 1848."

On motion of Mr. Bush,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs. Bush, Martin and Colt, be said committee.

Mr. Burch, from the committee on commerce and navigation, reported in favor of the passage of the bill from the Assembly entitled, "An act to incorporate the New-York and Havre Steam Navigation Company," which was committed to the committee of the whole.

Mr. Cornwell, from the committee on railroads, to which was referred the petition for that purpose, reported a bill entitled, "An act to amend the charter of the Lockport and Niagara Falls Railroad Company," which was read the first time, and by unanimous consent

was also read the second time, and committed to the committee of the whole.

Mr. W. Hall, from the select committee, consisting of Senators from the 3d, 4th, 5th and 6th districts, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act for the more effectual prevention of fires in the city of New-York, and to amend the laws heretofore passed for that purpose," which was committed to the committee of the whole.

Mr. Treadwell, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the charter of the Cochecon Bridge Company," which was committed to the committee of the whole.

On motion of Mr. Adams,

*Resolved*, That the committee on banks and insurance companies enquire what legislative action, if any, is necessary for the better protection and safe investment of the funds of mutual life insurance companies, and as to the expediency of their being required to invest the one-half of their capital and premiums received from time to time in the stocks of this State or of the United States, and deposit the same with the Comptroller, subject to withdrawal only in payment of policies, when the balance of their funds in hand shall have been exhausted.

On motion of Mr. Adams,

*Resolved*, That the President of the Senate be, and is hereby respectfully requested to appoint a temporary member of the committee on finance, to supply the vacancy occasioned by and during the necessary absence of Senator Lawrence.

On motion of Mr. Cole,

*Resolved*, That the bill entitled, "An act for the relief of Phillips and Moore," be made the special order for the 22d instant, at 12 o'clock at noon.

On motion of Mr. Bush,

*Resolved*, That the bill to establish the New-York State Agricultural College, be made the special order for Tuesday next at 11 o'clock A. M.

On motion of Mr. Clark,

*Resolved*, That Saturday of this week at 11 o'clock, be set apart for the consideration of private bills.

The bill entitled, "An act for the relief of Campbell Harris," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Burch  
Mr. Bush

Mr. Colt  
Mr. Cornwell  
Mr. Fine  
Mr. Floyd

Mr. Geddes  
Mr. S. H. P. Hall  
Mr. Hawley  
Mr. Johnson

Mr. Clark	Mr. Fox	Mr. Martin	
Mr. Coffin	Mr. Frost	Mr. Wilkin	
Mr. Cole	Mr. Fuller		20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act in relation to common schools in the village of Medina," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. W. Hall	
Mr. Bond	Mr. Colt	Mr. Hawley	
Mr. Burch	Mr. Fine	Mr. Johnson	
Mr. Bush	Mr. Fox	Mr. Whallon	
Mr. Clark	Mr. Frost	Mr. Wilkin	
Mr. Coffin	Mr. Fuller		17

FOR THE NEGATIVE.

Mr. Cornwell	Mr. S. H. P. Hall	Mr. Treadwell	
Mr. Floyd	Mr. Martin		5

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act authorising the county of Erie and the city of Buffalo to erect a public building for county and city purposes," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Geddes	
Mr. Betts	Mr. Cornwell	Mr. S. H. P. Hall	
Mr. Bond	Mr. Fine	Mr. Martin	
Mr. Burch	Mr. Floyd	Mr. Tamblin	
Mr. Bush	Mr. Fox	Mr. Treadwell	
Mr. Clark	Mr. Frost	Mr. Whallon	
Mr. Coffin	Mr. Fuller	Mr. Wilkin	
Mr. Cole			22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Coffin, from the select committee of eight, appointed to select such bills as they thought proper to be referred to select committees to report complete, reported the following bills, which were severally referred to select committees, as follows :

"An act in relation to the expenses incurred in enforcing the law and preserving order in the county of Dutchess," to Messrs. W. Hall, Fox and Whallon.

"An act to amend an act entitled, 'An act to provide for the incorporation and regulation of telegraph companies,' passed April 12, 1848," to Messrs. Bush, Burch and Fine.

"An act to amend the act in relation to insurances on property effected by corporations and individuals not authorised by law in this State," to Messrs. Coffin, S. H. P. Hall and Frost.

"An act relative to town records of the town of Mount Hope, destroyed by fire," to Messrs. Martin, Colt and Cole.

"An act to provide for transcribing the dockets of judgments and for making new indexes for deeds and mortgages in the office of the clerk of the county of Franklin," to Messrs. Fine, Whallon and Clark.

"An act to declare the public use of a railroad from Plattsburgh to the Canada line," to Messrs. Whallon, Johnson and Fox.

"An act to incorporate the West Sandlake mutual protection against horse thieves," to Messrs. Fox, Hawley and Bush.

"An act in relation to the Hempstead Seminary in the county of Queens," to Messrs. Floyd, Johnson and Bush.

"An act to amend an act in relation to the business of mutual insurance companies, passed April 8, 1848," to Messrs. Clark, Cook and Coffin.

"An act in relation to copartnership styles," to Messrs. Johnson, Burch and Geddes.

"An act to correct the tax books in the Comptroller's office and authorising extracts from records in his office to be taken therefrom and read as evidence," to Messrs. Cornwell, W. Hall and Tamblin.

"An act to amend the act entitled, 'An act to authorise the trustees of Williamsburgh to raise money by loan or tax to pay certain debts, and to provide for the speedy liquidation of certain disputed matters,' passed May 13, 1845," to Messrs. Frost, Fuller and Treadwell.

"An act to authorise the supervisors of Monroe county to purchase or build a surrogate's and county treasurer's office," to Messrs. Fuller, Betts and Cornwell.

"An act to authorise the board of Supervisors of Oswego county to make certain assessments," to Messrs. Bond, Geddes and Fine.

"An act to provide for the appointment and payment of a clerk or clerks in the office of the surrogate of the county of Kings," to Messrs. Wilkin, Geddes and Cornwell.

"An act to fix the place of meeting of the board of supervisors of the county of Ulster," to Messrs. Adams, Burch and Cole.

"An act to authorise the supplying of evidence of proceeding for the incorporation of the village of Corning and to constitute said village a separate road district," to Messrs. Hawley, Fox and S. H. P. Hall.

"An act to regulate the salary of the district attorney of the county of Columbia," to Messrs. Coffin, Treadwell and Wilkin.

"An act to annex a part of the town of Sparta to the town of North Dansville," to Messrs. Fox, Geddes and Bush.

"An act to establish a union school in the village of Dansville," to Messrs. Bond, Fine and Johnson.

"An act relating to the erection of a town house in the town of New Utrecht," to Messrs. Geddes, Burch and Cole.

The Senate then, in committee of the whole, proceeded to the consideration of the special order of the day, being the bill entitled, "An act to authorize the Fultonville and Johnstown Plank Road Company to erect a bridge across the Mohawk river between Fultonville and Fonda," and after some time spent thereon, Mr. Cole, from said committee, reported in favor of the passage of the same with amendments.

Mr. Johnson moved that the enacting clause of said bill be struck out.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Clark	Mr. Johnson	Mr. Martin	3
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**FOR THE NEGATIVE.**

Mr. Adams	Mr. Colt	Mr. Geddes	
Mr. Betts	Mr. Cornwell	Mr. S. H. P. Hall	
Mr. Bond	Mr. Fine	Mr. W. Hall	
Mr. Burch	Mr. Floyd	Mr. Hawley	
Mr. Coffin	Mr. Fox	Mr. Tamblin	
Mr. Cole	Mr. Frost	Mr. Treadwell	18

The report of the committee was then agreed to, and said bill ordered to a third reading.

The Senate, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to repeal an act in relation to the Madison University," and after some time spent thereon, Mr. Cornwell, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Fuller,

*Ordered*, That said bill be made the special order for Thursday at 1-2 past 10.

The Senate then took a recess until 4 o'clock P. M.

**4 O'CLOCK P. M.**

The Senate again met.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
March 20, 1849. }

To the SENATE,—

I have this day approved and signed a bill entitled, "An act to authorise the justices of the supreme court to alter the time of holding the circuits in the third judicial district."

HAMILTON FISH.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to amend the act entitled, 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' passed April 12, 1848," and after some time spent thereon, Mr. Johnson, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then took a recess until 7 P. M.

7 O'CLOCK P. M.

The Senate again met.

A message was received from the Assembly, informing that they had passed, with the amendments therewith delivered, the bill entitled, "An act to establish courts of civil and criminal jurisdiction in the city of Brooklyn."

*Ordered,* That said bill and amendments be referred to the committee on the judiciary.

The Assembly returned the bill entitled, "An act in relation to the recorder of the city of Troy."

*Ordered,* That said bill be transmitted to the Governor.

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled, "An act for increasing the number of justices of the superior court of the city of New-York and for extending the jurisdiction of said court."

*Ordered,* That said bills be delivered to the Governor.

A message was received from the Assembly informing that they have concurred in the amendments of the Senate to the bill entitled, "An act to enable the village of Williamsburgh to improve a part of the Williamsburgh and Jamaica turnpike as a village street."

*Ordered,* That said bill be delivered to the Governor.

A bill was received from the Assembly for concurrence entitled, "An act to divide the town of Brookhaven and to erect the town of Atlantic," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to amend the laws relating to the equalisation of assess-



ments and the correction of assessment rolls for the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled, 'An act to incorporate the Monroe County Mutual Insurance Company,' passed March 21, 1836," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

A bill was received from the Assembly for concurrence entitled, "An act to change the time of the annual meeting of the board of supervisors of the county of Wyoming," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to erect the town of Richmondville in the county of Schoharie," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the erection and division of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act requiring compensation for causing death by wrongful act, neglect or default, passed December 13, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A bill was received from the Assembly for concurrence entitled, "An act to declare the public use of a railroad from Lockport to Buffalo on the most direct and eligible route," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A bill was received from the Assembly for concurrence entitled, "An act for the preservation of newspapers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the marine court of the city of New-York," which was read the first time, and by unanimous consent was also read the second time, and referred to a select committee consisting of Senators from the 3d, 4th, 5th and 6th districts.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day being the bill entitled, "An act to amend the act to simplify and abridge the practice, pleadings and proceedings of the courts in this State, passed April 12, 1848," and after some time spent thereon, Mr. Johnson, from said committee, reported in favor of the passage of the same with amendments.

The question being on agreeing with the report of the committee of the whole,

On motion of Mr. Cornwell,

*Ordered*, That the question on agreeing to said report be made the special order for to-morrow, immediately after the reading of petitions.

And then the Senate adjourned till 10 o'clock to-morrow morning.

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THURSDAY, 10 O'CLOCK A. M., MARCH 22, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Sands.

The Journal of yesterday was read and approved.

Mr. Fine presented a petition for an alteration in the charter of the Oswegatchie navigation company, which was referred to the committee on commerce and navigation.

Mr. Whallon presented three petitions of citizens of North Hudson for a railway from Fort Edward to Plattsburgh, which was referred to the committee on railroads.

Messrs. Bond, Cornwell and Cole presented petitions for the abolition of the traffic in intoxicating liquors, which was referred to the select committee on that subject.

Mr. Floyd presented the remonstrance of 348 citizens of Suffolk against the alteration of the pilot laws, which was committed to the committee of the whole.

Mr. Whallon presented the remonstrance of inhabitants of Washington co. against the Troy and Rutland railroad, which was referred to the committee on railroads.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act in relation to the Natural History of the State of New-York," also

"An act in settlement of the claims of the first christian party of Oneida Indians," also

"An act to authorise the commissioners of the land office to sell unappropriated lands," also

"An act to authorise the city of Schenectady to borrow money for the purposes mentioned therein," also

"An act to incorporate the Rockton Hydraulic Company," also

"An act to incorporate the Buffalo Dry Dock and Marine Railroad Company," also

"An act in relation to the canal debt and canal damages," also

"An act creating a fund for the benefit of the Stockbridge Indians."

Mr. Martin, from the select committee, reported complete the bill entitled, "An act relative to the town records of Mount Hope destroyed by fire."

*Ordered*, That said bill do have its third reading.

Mr. Fine, from the select committee, reported complete the bill entitled, "An act to provide for transcribing the dockets of judgments and for making new indexes of deeds and mortgages in the office of the clerk of the county of Franklin."

*Ordered*, That said bill do have its third reading.

Mr. Coffin, from the select committee, reported complete the bill entitled, "An act in relation to insurances on property in this State made by individuals and associations unauthorised by law."

*Ordered*, That said bill do have its third reading.

Mr. Cornwell, from the select committee, reported complete the bill entitled, "An act to correct the tax books in the comptroller's office and authorising extracts from records in his office to be taken therefrom and read as evidence."

*Ordered*, That said bill do have its third reading.

Mr. Coffin, from the select committee, reported complete the bill entitled, "An act to regulate the salary of the district attorney of the county of Columbia."

*Ordered*, That the said bill do have its third reading.

Mr. Bond, from the select committee, reported complete the bill entitled, "An act to authorise the board of supervisors of Oswego county to make certain assessments."

*Ordered*, That said bill do have its third reading.

Mr. Geddes, from the select committee, reported complete the bill entitled, "An act relating to the erection of a town house in the town of New Utrecht."

*Ordered*, That said bill do have its third reading.

Mr. Bond, from the select committee, reported complete the bill entitled, "An act to establish a union school in the village of Dansville."

*Ordered*, That said bill do have its third reading.

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the charter of the Williamsburgh Fire Insurance Company," which was committed to the committee of the whole.

Mr. Coffin, from the select committee of eight, appointed to select such bills as they thought proper to be referred to select committees to report complete, reported the following bills, which were severally referred to select committees, as follows :

"An act to amend an act for the relief of partners and joint debtors, passed April 18, 1838," to Messrs. Johnson, W. Hall and Floyd.

"An act to amend the act to incorporate the trustees of the Yorkville school in the twelfth ward of the city of New-York, passed April 2, 1827," to Messrs. Adams, Treadwell and Wilkin.

"An act to authorise Moses Randall, executor of the last will and

testament of James Roberts, deceased, to convey certain real estate," to Messrs. Wilkin, Fox and Fine.

"An act to amend the Revised Statutes relative to commissions to executors and administrators," to Messrs. Wilkin, Bush and Frost.

"An act to confirm the official acts of Horace D. Brundage, a justice of the peace of the town of Lodi," to Messrs. Bush, Betts and Frost.

"An act to confirm the official acts of Hiram W. Jackson of the town of China as superintendent of common schools," to Messrs. S. H. P. Hall, Geddes and Hawley.

"An act to incorporate St. Vincent's Orphan Asylum in the city of Albany," to Messrs. Cornwell, Hawley and Cole.

"An act to amend the Revised Statutes in relation to summary proceedings to recover the possession of land," to Messrs. Colt, Bush and Martin.

"An act to amend an act to incorporate the village of Lyons, passed April 16, 1831," to Messrs. Floyd, W. Hall and Frost.

"An act to amend the charter of the St. Lawrence Mutual Insurance Company," to Messrs. Treadwell, Burch and Hawley.

"An act to authorise a tax upon the town of Potsdam to rebuild the bridge across the Racket river in the village of Potsdam," to Messrs. Tamblin, Coffin and Bush.

"An act to authorise the town of Little Valley in the county of Cattaraugus to raise money for the relief of Lyman S. Pratt," to Messrs. Clark, Coffin and Martin.

"An act to authorise the commissioners of loans of the county of Washington to transcribe certain records in said county," to Messrs. Geddes, Whallon and Cornwell.

"An act to release the interest of the State in certain lands of which David Darrah died possessed, to Susan Darrah, his wife," to Messrs. Wilkin, Cole and Fine.

"An act authorising the supervisors of the county of Oswego to raise money to construct a free bridge over the Oswego river," to Messrs. Bond, S. H. P. Hall and Geddes.

"An act authorising the inspectors of state prisons to administer oath and take affidavits in certain cases," to Messrs. S. H. P. Hall, Adams and Colt.

"An act to close and discontinue Diagonal street in the city of Albany," to Messrs. Treadwell, Bush and Clark.

A message was received from the Assembly requesting the Senate to transmit to that body the bill entitled, "An act to amend an act requiring compensation for causing death by wrongful act, neglect or default, passed December 13, 1847."

*Ordered,* That said bill be transmitted in pursuance of said request.

The Senate then proceeded to the consideration of the question on recommitting to the committee of the whole the bill entitled, "An act to amend the act entitled, 'An act to simplify and abridge the

practice, pleadings and proceedings of the courts of this State, passed April 12, 1848."

Mr. Martin moved to amend said report by striking out of the 30th section of title 4 the words, "actions on contract express or implied for the recovery of money, when the debt or damages claimed do not exceed two thousand dollars."

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Burch	Mr. Geddes	Mr. Hawley	
Mr. Fine	Mr. S. H. P. Hall	Mr. Martin	
Mr. Fox	Mr. W. Hall		8

**FOR THE NEGATIVE.**

Mr. Adams	Mr. Colt	Mr. Johnson	
Mr. Betts	Mr. Cornwell	Mr. Tamblin	
Mr. Bush	Mr. Floyd	Mr. Treadwell	
Mr. Clark	Mr. Frost	Mr. Whallon	
Mr. Coffin	Mr. Fuller	Mr. Wilkin	
Mr. Cole			16

Mr. Fuller moved to amend said report by striking out the word "thousand" in the 26th line of the aforesaid section, and inserting the words "hundred and fifty."

Mr. Floyd moved to amend the amendment of Mr. Fuller by substituting the sum of "five hundred dollars" in place of the sum proposed by Mr. Fuller.

The President put the question upon agreeing to said motion of Mr. Floyd, and it was decided in the negative.

The President then put the question upon agreeing to the motion of Mr. Fuller, and it was decided in the affirmative.

Mr. Cornwell moved further to amend said report, by striking out of sec. 173, line 2, the words "personal representatives;" also in line 4, same section, after the word "May," insert "after the expiration of three years from the time of granting letters testamentary or of administration upon the estate of the testator or intestate;" also after "respectively" in the the 6th line insert "and the personal representatives of a deceased judgment debtor may be so summoned at any time within one year after their appointment;" also in section 105, after "injunction" and before "the," insert "or statutory prohibition;" also after "injunction" and before "shall," the words "or prohibition."

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

Mr. Cole moved further to amend said report by inserting in the 3d subdivision, sec. 11, the words "in a decision made in the supreme court, upon a bill of exceptions, either in granting or refusing a new trial."

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

Mr. Johnson moved further to amend said report by striking out the amendment to sec. 65, subdivisions 1 & 2, page 23, and restoring subdivisions 1 & 2.

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

Mr. Johnson moved further to amend said report by providing for an appeal directly from the court of common pleas to the court of appeals.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Bond  
Mr. Frost

Mr. W. Hall  
Mr. Hawley  
Mr. Johnson

Mr. Tamblin  
Mr. Whallon

8

FOR THE NEGATIVE.

Mr. Betts  
Mr. Burch  
Mr. Bush  
Mr. Cole  
Mr. Cornwell

Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Fuller

Mr. Geddes  
Mr. S. H. P. Hall  
Mr. Martin  
Mr. Wilkin

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Mr. Wilkin moved to reconsider the vote rejecting the amendment of Mr. Johnson.

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

The question then being on the amendment proposed by Mr. Johnson,

The President put the question upon agreeing to said amendment, and it was decided in the affirmative.

Mr. Wilkin moved to amend sec. 13, title 2 of said report so as to provide that two terms of the court of appeals shall be held at the city of Albany, one at New-York, and one at Syracuse and Rochester.

The President put the question upon agreeing to said motion, and it was decided in the negative.

Mr. Floyd moved to amend said report by striking out the words "such times and places as the courts may appoint," from sec. 13, title 2, so as to leave the place blank.

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

Mr. S. H. P. Hall moved to insert Utica in said blank.

The President put the question upon agreeing to said motion, and it was decided in the negative.

Mr. Geddes moved to insert Syracuse in said blank.

The President put the question upon agreeing to said motion, and it was decided in the negative.

Mr. Wilkin moved to insert Albany in said blank.

The President put the question upon agreeing to said motion, and it was decided in the negative.

Mr. Geddes moved to reconsider the vote adopting the amendment of Mr. Floyd.

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

The question then being on agreeing to said amendments,

The President put the question whether the Senate would agree to said amendments, and it was decided in the affirmative.

Mr. Hawley moved to amend said report by striking out of the 13th sec., title 2, the words, "but a term shall be held once in two years in each of the judicial districts in this State," and inserting in place thereof "additional terms shall be appointed and held by the court when the public interest require it."

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

On motion of Mr. Martin,

*Ordered*, That said bill be referred to the same select committee that had it in charge, to report complete.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
March 21, 1849. }

To the SENATE,—

'I have this day approved and signed a bill entitled, "An act authorising the executors and trustees of Thomas Poole, formerly of Brooklyn, deceased, to sell certain portions of his real estate."

HAMILTON FISH.

A message was received from the Assembly, informing that they had passed the following bills without amendment :

"An act in addition to and amendatory of the act entitled, 'An act for the relief of the president, directors and company of the Brooklyn bank,' passed April 29, 1840," also

"An act for fixing the fees of sheriffs for transporting convicts to the State prisons."

*Ordered*, That said bills be transmitted to the Governor.

Mr. W. Hall, from the select committee, consisting of Senators from the 3d, 4th, 5th and 6th districts, reported in favor of the passage of the bill from the Assembly entitled, "An act in relation to the marine court in the city of New-York."

On motion of Mr. W. Hall,

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. Wilkin, from the committee on the judiciary, to which was referred a petition for that purpose, reported a bill entitled, "An act to authorise the election of local officers to discharge the duties of

county judge and surrogate in the counties of Orange, Chautauque and Cayuga," which was read the first time, and by unanimous consent was also read the second time, and referred to a select committee consisting of Messrs. Wilkin, S. H. P. Hall and Fine.

A message was received from the Assembly, informing that they had passed, with the amendments therewith delivered, the bill entitled, "An act in relation to the removal of convicts from one state prison to another."

Mr. S. H. P. Hall moved that the Senate do concur in said amendments.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Hawley
Mr. Bond	Mr. Fox	Mr. Johnson
Mr. Burch	Mr. Frost	Mr. Martin
Mr. Bush	Mr. Fuller	Mr. Tamblin
Mr. Clark	Mr. Geddes	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Wilkin

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FOR THE NEGATIVE.

Mr. Coffin

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendment thereto.

Mr. Fox, from the select committee, reported complete the bill entitled, "An act to incorporate the Sandlake mutual protection against horse thieves."

*Ordered*, That said bill do have its third reading.

Mr. W. Hall, from the select committee, reported complete the bill entitled, "An act in relation to the expenses incurred in enforcing the law and preserving order in the county of Dutchess."

*Ordered*, That said bill do have its third reading.

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported adverse to the passage of the bill from the Assembly entitled, "An act to amend the laws relating to the equalization of assessments and the correction of assessment rolls for the county of Ulster," which was committed to the committee of the whole.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act for the preservation of newspapers," which was committed to the committee of the whole.

Mr. Hawley, from the select committee, reported complete the bill entitled, "An act to authorise the supplying the loss of evidence



of proceedings for the incorporation of the village of Corning, and to constitute said village a separate road district."

*Ordered*, That said bill do have its third reading.

Mr. Martin, from the select committee, reported complete the bill entitled, "An act relative to town records of the town of Mount Hope, destroyed by fire."

*Ordered*, That the said bill do have its third reading.

Mr. Clark, from the select committee, reported complete the bill entitled, "An act to amend an act entitled, 'An act in relation to the business of mutual insurance companies,' passed April 8, 1848."

*Ordered*, That said bill do have its third reading.

Mr. Johnson, from the select committee, reported complete the bill entitled, "An act in relation to copartnership styles."

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the committee on the judiciary, reported in favor of concurring in the amendments of the Assembly to the bill entitled, "An act erecting courts of civil and criminal jurisdiction in the city of Brooklyn."

The President put the question whether the Senate would agree to the report of the committee, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Bond	Mr. Cornwell	Mr. Hawley
Mr. Burch	Mr. Fine	Mr. Johnson
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments thereto.

By unanimous consent,

Mr. Whallon introduced a bill entitled, "An act to revise and consolidate the laws in relation to the village of Whitehall," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Whallon,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs. Whallon, Geddes and Cornwell, be said committee.

By unanimous consent,

Mr. Bond introduced a bill entitled, "An act to amend an act entitled, 'An act to incorporate the Fulton academy,' passed April 11, 1842," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act to pay Zacheus P. Gillett for damages sustained by the failure of title to lands patented by this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate a seminary of education under the name of the Academy of the Sacred Heart," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act to require the town of Norfolk to pay the town of Louisville certain school moneys," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

On motion of Mr. Cook,

*Ordered*, That the bill entitled, "An act for the formation of insurance companies," be made the special order for Tuesday the 27th inst., at 12 o'clock.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the village of Rondout," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act making appropriations for the State Library, for international exchanges, and for the salary of the secretary of the Regents of the University," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the Newfane Centre Burial Ground Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Burch, from the select committee, reported in favor of the passage of the following resolution heretofore received from the Assembly, to wit :

*Resolved*, (if the Senate concur,) That Lieutenant Colonel William Wallace Smith Bliss, by his noble and gallant bearing in the service of his country, has reflected distinguished honor upon his native State, and is, therefore, entitled to the thanks of her people, which are hereby tendered him ; and that, in token of their appreciation of his worth as a soldier and a man, the governor be requested to procure a gold medal, with suitable devices and inscriptions, and present the same to Colonel Bliss in the name of the people of this State, together with a copy of this resolution, and that one copy of such medal shall be deposited in the military academy at West Point and one copy of such medal shall be deposited in the state library.

The President put the question upon agreeing to said resolution, and it was decided in the affirmative.

*Ordered*, That the Clerk return said resolution to the Assembly, with a message informing that the Senate have concurred in the passage thereof.

On motion of Mr. Cole,

*Ordered*, That the bill entitled, "An act to incorporate the proprietors of the Albany pier," be recommitted to the select committee by whom it was reported complete.

The Senate then took a recess until 4 o'clock P. M.

#### 4 O'CLOCK P. M.

The Senate again met.

Mr. Fox, from the select committee, reported complete the bill entitled, "An act to annex a part of the town of Sparta to the town of North Dansville,"

*Ordered*, That said bill do have its third reading.

A message was received from the Assembly informing that they had sent a message to the Governor requesting the bill entitled, "An act for increasing the number of justices of the superior court of the city of New-York and for extending the jurisdiction of said court," and having received it had stricken out the 14th section thereof.

The President put the question upon agreeing to said amendment, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. W. Hall
Mr. Bond	Mr. Fine	Mr. Johnson
Mr. Burch	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Treadwell
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Colt	Mr. Geddes	Mr. Wilkin
Mr. Cook	Mr. S. H. P. Hall	

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#### FOR THE NEGATIVE.

Mr. Cole 1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments thereto.

Mr. Fuller, from the select committee, reported complete the bill entitled, "An act to authorise the supervisors of Monroe county to purchase or build a surrogate's and county treasurer's office."

*Ordered*, That said bill do have its third reading.

The Senate, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled,

"An act to repeal an act in relation to the Madison University," and after some time spent thereon, Mr. Cornwell, from said committee, reported in favor of the passage of the same without amendment.

The question being on agreeing with the report of the committee of the whole,

The President put the question upon agreeing to said report, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts  
Mr. Bond  
Mr. Clark  
Mr. Cornwell

Mr. Fine  
Mr. Frost  
Mr. S. H. P. Hall

Mr. W. Hall  
Mr. Johnson  
Mr. Martin

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FOR THE NEGATIVE.

Mr. Burch  
Mr. Bush  
Mr. Cole  
Mr. Colt

Mr. Cook  
Mr. Fox  
Mr. Fuller  
Mr. Geddes

Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

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Mr. Bond moved a reconsideration of said vote.

On motion of Mr. Bond,

*Ordered*, That said motion be laid upon the table.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act for the relief of Phillips and Moore," and Mr. Geddes, from said committee, reported in favor of the passage thereof with amendments, and with the title thereof altered so as to read as follows, "An act for the relief of Lyman H. Phillips and Zebulon Moore," which report was agreed to.

On motion of Mr. Fine,

*Ordered*, That the bill entitled, "An act to amend the act providing for the construction of a railroad from the navigable waters of the great western lakes to Lake Champlain, passed May 14, 1845," be made the special order for Wednesday the 28th inst. at 12 o'clock.

And then the Senate adjourned till 10 o'clock to-morrow morning.

FRIDAY, 10 O'CLOCK A. M., MARCH 23, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Selkirk.

The Journal of yesterday was read and approved.

Mr. Frost presented the petition of citizens of New-York for an

act to incorporate the New-York society for the promotion of education among colored children, which was referred to the committee on literature.

Mr. Bush presented the remonstrance of Nathaniel Strong, a Seneca chief and delegate, against the passage of the bill in relation to the Cayuga Indian annuities, which was laid on the table.

Mr. Cook presented the remonstrance of 150 citizens of Washington co. against the Troy and Rutland railroad, which was referred to the committee on railroads.

Mr. Frost, from the committee on charitable and religious societies, reported in favor of the passage of the bill from the Assembly entitled, "An act to incorporate the Newfane Centre Burial Ground Association," which was committed to the committee of the whole.

Mr. Cornwell, from the committee on finance, reported adverse to the passage of the bill from the Assembly entitled, "An act in relation to the Schenectady and Troy railroad stock," which was committed to the committee of the whole.

Mr. Bond, from the select committee, reported complete the bill entitled, "An act authorising the supervisors of the county of Oswego to raise money to construct a free bridge over the Oswego river."

*Ordered,* That said bill do have its third reading.

Mr. Clark, from the committee on claims, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise payment of canal damages to Mary Murray and others," which was committed to the committee of the whole.

Mr. Clark, from the committee on claims, reported in favor of the passage of the bill from the Assembly entitled, "An act to pay Zacheus P. Gillet for damages sustained by failure of title to lands patented by the State," which was committed to the committee of the whole.

Mr. Whallon, from the select committee, reported complete the bill entitled, "An act to declare the public use of a railroad from Plattsburgh to the Canada line."

*Ordered,* That said bill do now have its third reading.

Mr. Martin, from the select committee, reported complete the bill entitled, "An act to amend the act to improve the Cayuga creek road in the county of Erie, passed March 29, 1848."

*Ordered,* That said bill do have its third reading.

Mr. Treadwell, from the select committee, reported complete the bill entitled, "An act to close and discontinue Diagonal street in the city of Albany."

*Ordered,* That said bill do have its third reading.

Mr. Frost, from the select committee, reported complete the bill entitled, "An act to amend the act entitled, 'An act to authorise the trustees of Williamsburgh to raise money by loan or tax to pay certain debts, and to provide for the speedy liquidation of certain disputed matters,' passed May 13, 1845."

*Ordered,* That said bill do have its third reading.

Mr. Frost, from the committee on commerce and navigation, reported in favor of the passage of the bill entitled, "An act requiring steamboats or vessels propelled or driven by steam, to carry small boats for protection of life in case of accident," which was committed to the committee of the whole.

Mr. Burch, from the committee on commerce and navigation, reported in favor of the passage of the bill from the Assembly entitled, "An act granting to George F. Von Beck the right to establish a ferry across the Rondout creek," which was committed to the committee of the whole.

Mr. Geddes, from the select committee, reported complete the bill entitled, "An act to authorise the commissioners of loans of the county of Washington to transcribe certain records in said county."

*Ordered*, That said bill do have its third reading.

Mr. Adams, from the select committee, reported complete the bill entitled, "An act to amend an act to incorporate the trustees of the Yorkville school in the twelfth ward of the city of New-York, passed April 2, 1827."

*Ordered*, That said bill do have its third reading.

Mr. Coffin, from the committee on banks and insurance companies, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act entitled, 'An act to incorporate the Monroe County Mutual Insurance Company,' passed March 21, 1836," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to change the time of the annual meeting of the board of supervisors of the county of Wyoming," which was committed to the committee of the whole.

Mr. Johnson, from the select committee, reported in favor of non-concurring in the amendments of the Assembly to the bill entitled, "An act to provide for the government of the department of Alms and Penitentiary of the city of New-York."

The President then put the question upon agreeing to said report, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Burch	Mr. Cook	Mr. S. H. P. Hall
Mr. Coffin	Mr. Cornwell	Mr. W. Hall
Mr. Cole	Mr. Fox	Mr. Martin
Mr. Colt	Mr. Geddes	Mr. Treadwell

#### FOR THE NEGATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Clark	Mr. Hawley	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate do non-concur in their amendments thereto.

Mr. Treadwell, from the select committee, reported complete the bill entitled, "An act to incorporate St. Vincent's Orphan Asylum in the city of Albany."

*Ordered*, That said bill do have its third reading.

Mr. Tamblin, from the select committee, reported complete the bill entitled, "An act to authorise a tax upon the town of Potsdam to rebuild the bridge across the Racket river in the village of Potsdam."

*Ordered*, That said bill do have its third reading.

Mr. Treadwell, from the select committee, reported complete the bill entitled, "An act to amend the charter of the St. Lawrence Mutual Insurance Company."

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act making appropriations for the State Library, for international exchanges, and for the salary of the secretary of the Regents of the University," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the select committee, reported complete the bill entitled, "An act authorising the inspectors of state prisons to administer oaths and take affidavits in certain cases."

*Ordered*, That said bill do have its third reading.

Mr. S. H. P. Hall, from the select committee, reported complete the bill entitled, "An act to confirm the official acts of Hiram W. Jackson of the town of China as superintendent of common schools."

*Ordered*, That said bill do have its third reading.

Mr. Burch, from the select committee, reported complete the bill entitled, "An act to confirm the official acts of Horace D. Brundage, a justice of the peace of the town of Lodi."

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill entitled, "An act to incorporate the village of Rondout," which was committed to the committee of the whole.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day being the bill entitled, "An act to declare the public utility of a railroad from the city of Rochester to the city of Syracuse on the most direct and eligible route," and after some time spent thereon, Mr. Adams, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Geddes,

*Ordered*, That the further consideration of said bill be made the special order for Thursday the 29th inst., at 11 o'clock.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
March 22, 1849. }

To the SENATE,—

I have this day approved and signed bills with the following titles, to wit :

"An act in relation to the recorder of the city of Troy," also

"An act fixing the fees of sheriffs for transporting convicts to the state prisons," also

"An act in addition to and amendatory of the act entitled, 'An act for the relief of the president, directors and company of the Brooklyn Bank,' passed April 29, 1840."

HAMILTON FISH.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act requiring compensation for causing death by neglect, wrongful act or default," passed December 13, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A bill was received from the Assembly for concurrence entitled, "An act to amend the charter of the village of Lansingburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A message was received from the Assembly informing that they had passed, with the amendments therewith delivered, the bill entitled, "An act for the relief of Zebulon Moore."

*Ordered,* That said bill and amendments be referred to the committee on claims.

The Senate then took a recess until 4 o'clock P. M.

4 O'CLOCK P. M.

The Senate again met.

On motion of Mr. Cook,

*Ordered,* that the bill entitled "An act to regulate the expenditure of the highway tax in parts of Essex, Hamilton and Warren," be referred to a select committee to report complete.

*Ordered,* That Messrs. Cook, Whallon and Cornwell, be said committee.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of a bill from the Assembly entitled "An act to amend the charter of the village Lansingburgh."

*Ordered,* That that said bill be referred to a select committee consisting of Messrs Whallon, Fox and Cook.



Mr. Cook, from the select committee, reported complete the bill entitled "An act to regulate the expenditure of the highway tax in parts of Essex, Hamilton and Warren counties."

*Ordered*, That said bill do have its third reading.

On motion of Mr. Martin,

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to pay Francis Bates certain sums of moneys for fines, costs and expenses paid by him in consequence of taking Barney Hiers, an escaped convict," and after some time spent thereon, Mr. Treadwell, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled "An act to require the town of Norfolk to pay the town of Louisville certain school moneys," which was committed to the committee of the whole.

Mr. Whallon, from the committee on the erection and division of towns and counties, reported in favor of the passage of the bill from the Assembly entitled "An act to erect the town of Richmondville, in the county of Schoharie, which was committed to the committee of the whole.

The Assembly returned the resolution heretofore passed by the Senate on the subject of printing certain copies of documents for the use of the Governor, with certain amendments therewith delivered.

On motion of Mr. Martin,

*Resolved*, That the Senate do non-concur in the amendments of the Assembly to the above resolution.

Mr. Bond offered for the consideration of the Senate the following resolution :

*Resolved*, (if the Assembly concur,) That a gold medal be awarded to Brevet Captain William Steele, a native of the city of Oswego, State of New-York, and to Brevet Captain Julius Hayden, a native also of this State, for their gallantry, their bravery and good conduct which they individually displayed in the several battles fought by our troops in Mexico.

On motion of Mr. Bond,

*Ordered*, That said resolution be laid upon the table.

The following message was received from the executive department :

EXECUTIVE CHAMBER, }  
March 23, 1849. }

A. H. CALHOUN, Esq.

DEAR SIR—I am requested by the Governor to send you herewith a copy of the House Journal 1st session, 30th Congress, to be deposited in the Senate Library.

Very respectfully your obt't serv't,

R. H. MORRIS, *Private Sec'y.*

On motion of Mr. Bond,

*Ordered*, That the bill entitled "An act appropriating the reve-

nues of the Literature and United States Deposit Funds, be made a special order for Monday, the 20th of April, at 11 A. M.

The bill entitled "An act for the relief of Lyman H. Philips and Zebulon Moore," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. W. Hall
Mr. Betts	Mr. Fine	Mr. Hawley
Mr. Bond	Mr. Floyd	Mr. Johnson
Mr. Burch	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. Fuller	Mr. Wilkin
Mr. Colt	Mr. S. H. P. Hall	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorising the Governor, Secretary of State and Comptroller, to audit the accounts of counsel in the case of Smith vs. William Turner, in the Supreme Court of the United States," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts.	Mr. Cook	Mr. W. Hall
Mr. Bond	Mr. Fine	Mr. Hawley
Mr. Burch	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Treadwell
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. Fuller	Mr. Wilkin
Mr. Colt	Mr. S. H. P. Hall	20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorise the city of Schenectady to borrow money for purposes therein mentioned," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. S. H. P. Hall
Mr. Betts	Mr. Cornwell	Mr. W. Hall

Mr. Bond  
Mr. Burch  
Mr. Bush  
Mr. Clark  
Mr. Cole  
Mr. Colt

Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Fuller

Mr. Hawley  
Mr. Martin  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

22

## FOR THE NEGATIVE.

Mr. Johnson

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the Sing Sing prison," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bond  
Mr. Burch  
Mr. Bush  
Mr. Cole  
Mr. Colt

Mr. Cook  
Mr. Cornwell  
Mr. Fine  
Mr. Fox  
Mr. Frost  
Mr. Fuller

Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Johnson  
Mr. Martin  
Mr. Whallon  
Mr. Wilkin

19

## FOR THE NEGATIVE.

Mr. Clark

Mr. Floyd

2

*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

Mr. Wilkin from the select committee, reported complete the bill entitled "An act to amend the act in relation to the Practice, Pleadings and Proceedings of the courts of this State," passed April 12, 1848.

*Ordered*, That said bill do have its third reading.

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bond  
Mr. Burch  
Mr. Bush  
Mr. Clark  
Mr. Cole

Mr. Colt  
Mr. Cook  
Mr. Cornwell  
Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Fuller

Mr. S. H. P. Hall  
Mr. Hawley  
Mr. Martin  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act in relation to the Marine Court of the city of New-York," coming up for a third reading,

Mr. Hawley moved that said bill be referred to the committee on the judiciary.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. S. H. P. Hall	Mr. Martin	
Mr. Floyd	Mr. Hawley	Mr. Whallon	6

FOR THE NEGATIVE.

Mr. Bond	Mr. Cook	Mr. W. Hall	
Mr. Bush	Mr. Cornwell	Mr. Johnson	
Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Cole	Mr. Frost	Mr. Wilkin	
Mr. Colt	Mr. Fuller		14

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Bond	Mr. Cook	Mr. Johnson	
Mr. Burch	Mr. Cornwell	Mr. Martin	
Mr. Bush	Mr. Fox	Mr. Treadwell	
Mr. Clark	Mr. Frost	Mr. Whallon	
Mr. Cole	Mr. Fuller	Mr. Wilkin	
Mr. Colt	Mr. W. Hall		17

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Whallon, from the select committee, reported complete the bill entitled "An act to amend the charter of the village of Lansingburgh."

*Ordered*, That said bill do have its third reading.

And then the Senate adjourned till 10 o'clock to-morrow morning.

SATURDAY, 10 O'CLOCK A. M., MARCH 24, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Sands.

The Journal of yesterday was read and approved.

Mr. Floyd presented the remonstrance of citizens of Suffolk co. against the division of the town of Brookhaven, which was referred to the committee on the erection and division of towns and counties.

Mr. S. H. P. Hall, from the committee on state prisons, reported a bill entitled, "An act to provide for liquidating the claims of Horace Hotchkiss and William P. Smith against the agent of the Sing Sing State prison," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Wilkin, from the select committee, reported complete, with amendments, the bill entitled, "An act to release the interest of the State in certain lands of which David Darrah died possessed, to Susan Darrah, his wife," which report was agreed to.

*Ordered*, That said bill do have its third reading.

Mr. Adams, from select committee, reported complete the bill entitled, "An act to fix the place of meeting of the board of supervisors of the county of Ulster."

*Ordered*, That said bill do have its third reading.

Mr. Martin, from the select committee, reported complete, with amendments, the bill entitled, "An act to amend the Revised Statutes relative to summary proceedings to recover the possession of land," which report was agreed to.

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the select committee, reported complete the bill entitled, "An act to amend the Revised Statutes relative to commissions to executors and administrators."

*Ordered*, That the said bill do have its third reading.

Mr. Clark, from the committee on claims, reported adverse on the amendments of the Assembly to the bill entitled, "An act for the relief of Zebulon Moore."

The President put the question on agreeing to the report of the committee, and it was decided in the affirmative.

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate do non-concur in their amendments thereto.

On motion of Mr. Frost,

*Resolved*, That a respectful message be sent to the Assembly, requesting them to return the bill reorganising the Alms House and

prison departments of the city of New-York, together with the accompanying papers now on file in said House.

On motion of Mr. Frost,

*Ordered*, That the bill entitled, "An act in relation to the prices for wharfage hereafter to be charged for vessels landing at the pier on the east side of the city of Albany," be referred to a select committee to report complete.

*Ordered*, That Messrs. Frost, Cole and Adams, be said committee.

The bill entitled, "An act to authorise the Fultonville and Johnstown Plank Road Company to erect a bridge over the Mohawk river between Fultonville and Fonda," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Bond	Mr. Cornwell	Mr. Smith
Mr. Burch	Mr. Floyd	Mr. Tamblin
Mr. Bush	Mr. Fox	Mr. Treadwell
Mr. Cole	Mr. Frost	Mr. Whallon
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin
		18

**FOR THE NEGATIVE.**

Mr. Martin	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act in relation to the Natural History of the State of New-York," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Floyd	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cook	Mr. W. Hall	Mr. Wilkin
		18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to amend an act entitled, 'An act to consolidate and amend the act to incorporate the city of Buffalo,' passed April 20, 1832, and the various acts amendatory thereof, passed April 17, 1843," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Bond	Mr. Cornwell	Mr. Martin
Mr. Burch	Mr. Floyd	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Wilkin

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

On motion of Mr. Clark, and by unanimous consent,

*Ordered*, That the vote of the Senate refusing to agree with the report of the committee of the whole on the bill entitled, "An act in relation to Madison University," be reconsidered.

The question being on agreeing with the report of the committee of the whole,

The President put the question upon agreeing to said report, and it was decided in the affirmative.

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. Treadwell presented the petition of trustees of the Albany Hydrant Company praying that their charter be so amended as to increase their capital stock and to enable them to unite with the Albany Waterworks Company, which was referred to the committee on the judiciary.

By unanimous consent,

Mr. Treadwell introduced a bill entitled, "An act to amend the charter of the Albany Hydrant Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. S. H. P. Hall,

*Ordered*, That the report made by the Comptroller in answer to a resolution of the Senate of the 12th February, 1849, relative to the amount on public loan in the several counties, be referred to the committee on finance.

Mr. Clark, from the select committee of eight, appointed to select such bills as they thought proper to be referred to select committees to report complete, reported the following bills, which were severally referred to select committees, as follows:

"An act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city," to Messrs Wilkin, Smith and Coffin.

"An act to change the time of the annual meeting of the board of supervisors of the county of Wyoming," to Messrs Martin, Bush and Hawley.

"An act to confirm the official acts of Sylvester Reed, as justice of the peace of the town of Brownville," to Messrs Cole, Colt and Adams.

"An act to provide for supplying the city of Brooklyn with water for the extinguishment of fires, and for the use of its inhabitants," to Messrs S. H. P. Hall, Cornell and Betts.

"An act to confirm the official acts of Sylvanus D. Thompson, a justice of the peace of the town of Savannah," to Messrs Fine, Cook and Treadwell.

"An act to incorporate the village of Rondout," to Messrs Coffin, Smith and Fox.

"An act to amend the charter of the Williamsburgh Fire Insurance Company," to Messrs Floyd, W. Hall and Frost.

"An act to amend the act to consolidate and amend the charter of the village of Watertown," to Messrs Tamblin, Clark and Bond.

"An act to incorporate the Williamsburgh Ferry Company," to Messrs Johnson, Floyd and Cook.

"An act to prevent the destruction of the woodlands in Suffolk county by fire," to Messrs Floyd, W. Hall and Frost.

"An act to require the town of Norfolk to pay the town of Louisville certain school moneys," to Messrs Bond, Clark and Betts.

The Senate then resolved itself into a committee of the whole on the bill from the Assembly entitled, "An act to provide for the payment of certain select committees of the session of 1848," Mr. Martin from said committee, reported in favor of the passage thereof with amendments, and with the title thereof altered so as to read as follows: "An act to provide for the payment of a select committee for the session of 1848."

The question then being on agreeing to the report of the committee of the whole,

Mr. Hawley moved to amend said report by striking out the sum \$70.20 from the amount allowed to Wessel S. Smith, being the sum allowed him for traveling fees during the same time, for which he is allowed a per diem compensation.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Mr. Clark  
Mr. Floyd  
Mr. Hawley

Mr. Johnson  
Mr. Smith

Mr. Tamblin  
Mr. Whallon

7

FOR THE NEGATIVE.

Mr. Adams  
Mr. Cole  
Mr. Colt  
Mr. Cornwell

Mr. Fox  
Mr. Frost  
Mr. W. Hall

Mr. Martin  
Mr. Treadwell  
Mr. Wilkin

10

The report of the committee was then agreed to, and the bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act for the payment of damages to Cicero Col-



lins," and after some time spent thereon, Mr. Colt, from said committee, reported progress, and asked for and obtained leave to sit again.

A message was received from the Assembly, informing that they had passed the following bills without amendment :

"An act to authorise the executors of the last will and testament of Isaac Moser, to make a sale of certain lands," also

"An act to incorporate the Lewiston Suspension Bridge Company," also

"An act to establish free schools throughout the State."

*Ordered*, That said bills be transmitted to the Governor.

A message was received from the Assembly informing that they had examined and returned the following bills:

"An act in relation to the removal of convicts from one state prison to another," also

"An act in relation to the Sing Sing State prison."

*Ordered*, That said bills be transmitted to the Governor.

A bill was received from the Assembly for concurrence entitled, "An act making appropriations for Clinton prison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

A bill was received from the Assembly for concurrence entitled, "An act amending the act for the protection of emigrants arriving in the State of New-York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to regulate the hours of labor," which was read the first time, and by unanimous consent was also read the second time.

A message was received from the Assembly requesting a committee of conference on their amendments to the bill entitled "An act to provide for the government of the alms-house departments and penitentiary, in the city and county of New-York," and if the Senate concur, that Messrs Cornell, Campbell, Beekman, McKinney and Taylor, be of such committee on the part of the Assembly.

On motion of Mr. Johnson,

*Resolved*, That the Senate agree to the appointment of such committee.

*Ordered*, That Messrs Bush, Cook and Hawly be such committee on the part of the Senate.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act for the appraisal and payment of canal damages sustained by Elias Wilcox," and after some time spent thereon, Mr. Smith, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to, and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to provide for the liquidation of the claims of Horace Hotchkiss and William P. Smith, against the agent of the Sing Sing prison," and after some time spent thereon, Mr. Treadwell,

from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to settle and pay the claim of William W. Niles," and after some time spent thereon, Mr. Treadwell, from said committee, reported progress, and asked for and obtained leave to sit again.

And then the Senate adjourned till Monday morning at 10 o'clock.

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MONDAY, 10, O'CLOCK A. M., MARCH 26, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Sprague.

The Journal of Saturday was read and approved.

By unanimous consent,

Mr. Cornwell offered for the consideration of the Senate the following resolution:

*Resolved*, That the Clerk of the Senate be, and he is hereby requested to solicit of the Rev. Dr. Sprague, for publication, a copy of the impressive and eloquent discourse delivered by him upon the occasion of the death of the Hon. Timothy S. Williams, late a Senator from the 25th district.

The President put the question upon agreeing to said resolution, and it was decided in the affirmative.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills:

"An act in relation to copartnership styles," also

"An act to incorporate the West Sandlake mutual protection against horse thieves," also

"An act to declare the public use of a railroad from Plattsburgh to the Canada line," also

"An act authorising the appraisal and payment of certain canal damages sustained by Elias Wilcox," also

"An act in relation to the town records of the town of Mount Hope destroyed by fire," also

"An act to provide for transcribing the dockets of judgments and for making new indexes for deeds and mortgages in the office of the clerk of the county of Franklin," also

"An act to pay Francis Bates certain sums of money for fines, costs and expenses incurred in taking Barney Hiern, an escaped convict," also

"An act in relation to insurances on property in this State made by individuals and associations unauthorised by law," also

"An act in relation to certain expenses incurred in enforcing the law and preserving order in the county of Dutchess," also

"An act to amend an act entitled, 'An act in relation to the business of mutual insurance companies,' " also

"An act in relation to the Madison University."

By unanimous consent,

Mr. Cornwell introduced a bill entitled, "An act to provide for the payment of debts due from the Auburn State prison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

The bill from the Assembly entitled, "An act to amend the act incorporating the trustees of the Yorkville School, in the 12th ward of the city of New-York," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Smith
Mr. Betts	Mr. Fine	Mr. Tamblin
Mr. Bond	Mr. Floyd	Mr. Treadwell
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Clark	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Coffin	Mr. Johnson	

17

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to confirm the official acts of Hiram W. Jackson of the town of China, as superintendent of common schools," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Betts	Mr. Cornwell	Mr. Smith
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin

18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Leave of absence was granted to Mr. Little for seven days, Mr.

Lawrence for seven days, Mr. Bokee for seven days, Mr. Bush for seven days, and Mr. Fuller for seven days.

The bill from the Assembly entitled, "An act authorising the inspectors of State prisons to take affidavits and administer oaths in certain cases," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Smith
Mr. Betts	Mr. Cornwell	Mr. Tamblin
Mr. Bond	Mr. Fine	Mr. Treadwell
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Clark	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cole	Mr. Johnson	

17

FOR THE NEGATIVE.

Mr. Floyd 1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act in relation to the town records of the town of Mount Hope, destroyed by fire," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin

21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to declare the public utility of a railroad from Sackets Harbor, in the county of Jefferson, to the town of Ellisburgh, in the same county," was read the third time and passed, a majority of all the members elected to the Senate voting in favor or thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Betts	Mr. Cornwell	Mr. Smith
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Bush	Mr. Floyd	Mr. Treadwell

Mr. Clark	Mr. Fox	Mr. Whallon	
Mr. Coffin	Mr. Frost	Mr. Wilkin	
Mr. Cole	Mr. S. H. P. Hall		20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the charter of the city of New-York," was read the third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley	
Mr. Betts	Mr. Cornwell	Mr. Johnson	
Mr. Bond	Mr. Fine	Mr. Smith	
Mr. Bush	Mr. Floyd	Mr. Tamblin	
Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Coffin	Mr. Frost	Mr. Whallon	
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin	21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment,

The bill from the Assembly entitled, "An act to annex a part of Sparta to the town of North Dansville," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley	
Mr. Betts	Mr. Cornwell	Mr. Johnson	
Mr. Bond	Mr. Fine	Mr. Smith	
Mr. Bush	Mr. Floyd	Mr. Tamblin	
Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Coffin	Mr. Frost	Mr. Wilkin	
Mr. Cole	Mr. S. H. P. Hall		20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill entitled "An act to declare the public utility of a railroad from Plattsburgh to the Canada line," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Smith	
Mr. Bond	Mr. Fine	Mr. Tamblin	

Mr. Bush  
Mr. Clark  
Mr. Coffin  
Mr. Cole

Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Johnson

Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

17

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the West Sand Lake society for mutual protection against horse thieves," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bond  
Mr. Bush  
Mr. Clark  
Mr. Cole  
Mr. Colt

Mr. Cornwell  
Mr. Fine  
Mr. Fox  
Mr. Frost  
Mr. S. H. P. Hall  
Mr. Hawley

Mr. Johnson  
Mr. Smith  
Mr. Tamblin  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to copartnership styles," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Bond  
Mr. Bush  
Mr. Clark  
Mr. Coffin  
Mr. Cole

Mr. Colt  
Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Frost  
Mr. Hawley

Mr. Johnson  
Mr. Smith  
Mr. Tamblin  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

18

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act in relation to the expenses incurred in enforcing the laws and preserving order in the county of Dutchess," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bond

Mr. Colt  
Mr. Cornwell  
Mr. Fine

Mr. Johnson  
Mr. Smith  
Mr. Tamblin

Mr. Bush	Mr. Floyd	Mr. Treadwell	
Mr. Clark	Mr. Fox	Mr. Whallon	
Mr. Coffin	Mr. Frost	Mr. Wilkin	
Mr. Cole	Mr. Hawley		20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to amend the charter of the St. Lawrence Mutual Insurance Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Johnson	
Mr. Bond	Mr. Fine	Mr. Smith	
Mr. Bush	Mr. Floyd	Mr. Tamblin	
Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Coffin	Mr. Frost	Mr. Whallon	
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Colt	Mr. Hawley		20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to provide for transcribing the dockets of judgments and for making new indices, of deeds and mortgages in the office of the clerk of the county of Franklin," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson	
Mr. Betts	Mr. Fine	Mr. Smith	
Mr. Bond	Mr. Floyd	Mr. Tamblin	
Mr. Bush	Mr. Fox	Mr. Treadwell	
Mr. Clark	Mr. Frost	Mr. Whallon	
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Cole	Mr. Hawley		20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to provide for laying a tax on the town of Potsdam for building a bridge over the Rack-et river, in the town of Potsdam," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
		21

*Ordered*, That that the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to fix the place of the annual meeting of the board of supervisors of the county of Ulster," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Smith
Mr. Betts	Mr. Fine	Mr. Tamblin
Mr. Bond	Mr. Floyd	Mr. Treadwell
Mr. Bush	Mr. Fox	Mr. Whallon
Mr. Clark	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Coffin	Mr. Johnson	
		17

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act authorising the board of supervisors of the county of Oswego to raise money for the purpose of constructing a free bridge over the Oswego river," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
		21

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.



The bill entitled "An act in relation to insurance on property in this State, made by individuals and associations unauthorised by law," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Smith
Mr. Bond	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cole	Mr. Hawley	Mr. Wilkin
Mr. Colt		

19

## FOR THE NEGATIVE.

Mr. Floyd

1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorising the canal commissioners to build a bridge across the Erie canal in the village of Medina," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Wilkin
Mr. Cole		

19

## FOR THE NEGATIVE.

Mr. Smith

1

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to amend the charter of the village of Lansingburgh," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A message was received from the Assembly informing that they have concurred in the amendments of the Senate to the bill entitled, "An act to amend the charter of the village of Lansingburgh."

*Ordered*, That said bill be returned to the Assembly.

A message was received from the Assembly, informing that they had passed, without amendment, the following bills:

"An act establishing free schools throughout the State," also

"An act to incorporate the Lewiston Suspension Bridge Company," also

"An act to authorise the executors of the last will and testament of Isaac Moser to make a sale of certain real estate."

*Ordered*, That said bills be delivered to the Governor.

A message was received from the Assembly informing that they had passed, with the amendments therewith delivered, the bill entitled, "An act to incorporate the Syracuse City Waterworks Company."

*Ordered*, That said bill and amendments be referred to the committee on the internal affairs of towns and counties.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the following bills:

"An act to authorise the Fultonville and Johnstown Plank Road Company to erect a bridge across the Mohawk river between Fultonville and Fonda," also

"An act in relation to the marine court in the city of New-York."

*Ordered*, That said bills be returned to the Assembly.

A bill was received from the Assembly for concurrence entitled, "An act making an appropriation for the support in part of certain incorporated orphan asylums in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the Albany City Hospital," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to pay James R. Clark certain expenses in defending a libel suit while in the employ of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A message was received from the Assembly, informing that they had passed, with the amendments therewith delivered, the bill entitled, "An act to amend the charter of the city of Troy and to provide for the establishment of free schools in said city."

*Ordered*, That said bill and amendments be referred to the committee on literature.

A message was received from the Assembly informing that they had passed, with the amendments therewith delivered, the bill entitled, "An act to incorporate the Syracuse City Savings Association."

*Ordered*, That said bill and amendments be referred to the committee on banks and insurance companies.

The bill from the Assembly entitled, "An act to amend the act concerning the district attorney of the county of Albany, passed February 21, 1840," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Johnson
Mr. Betts	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cole	Mr. Hawley	Mr. Wilkin
Mr. Colt		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act in settlement of the claims of the first christian party of Oneida Indians," was read the third time and passed, a majority of all the members elected to Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to pay Francis Bates certain sums of moneys for fines, costs and expenses paid by him in consequence of taking Barney Hiers, an escaped convict," was read a third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley	
Mr. Bond	Mr. Fine	Mr. Johnson	
Mr. Bush	Mr. Floyd	Mr. Tamblin	
Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Coffin	Mr. Frost	Mr. Whallon	15

FOR THE NEGATIVE.

Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Cornwell	Mr. Smith		5

The bill from the Assembly entitled, "An act to amend the act incorporating the Farmer's Mutual Insurance Company of Erie County, passed May 14, 1845," was read the third time and passed, a majority of all the members elected to the Senate, voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Johnson	
Mr. Bond	Mr. Fine	Mr. Smith	
Mr. Bush	Mr. Floyd	Mr. Tamblin	
Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Coffin	Mr. Frost	Mr. Whallon	
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Colt			19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the act entitled, 'An act to organise and establish a recorder's court in the city of Oswego,' passed April 12, 1848," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt	Mr. Hawley	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to incorporate the Buffalo Dry Dock and Marine Railroad Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt		

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

On motion of Mr. Cornwell, and by unanimous consent,

*Resolved*, That a respectful message be sent to the Assembly, requesting them to return to the Senate the act entitled "An act to amend the act entitled 'An act to simplify and abridge the Practice, Pleadings and Proceedings in the courts of this State,'" passed April 12, 1848.

The bill entitled "An act creating a fund for the benefit of the Stockbridge Indians," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Treadwell
Mr. Bush	Mr. Fox	Mr. Whallon
Mr. Clark	Mr. Frost	Mr. Wilkin
Mr. Coffin		

16

## FOR THE NEGATIVE.

Mr. Colt	Mr. Smith	Mr. Tamblin
Mr. S. H. P. Hall		

By unanimous consent,  
The 27th rule of the Senate was suspended, and  
Mr. Johnson moved that the Senate do re-consider its vote reject-  
ing said bill.

On motion of Mr. Johnson,  
*Ordered*, That said motion be laid upon the table.  
The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
March 24, 1849. }

To the SENATE,—

I have this day approved and signed bills with the following ti-  
tles, to wit :

"An act for increasing the number of Justices in the Superior  
Court of the city of New-York, and for extending the jurisdiction  
of that court," also

"An act to establish courts of civil and criminal jurisdiction in the  
city of Brooklyn."

HAMILTON FISH.

The bill entitled "An act to amend an act to improve the Cayuga  
Creek Road in the county of Erie," passed March 29, 1848,  
was read the third time and passed, a majority of all the members  
elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Martin
Mr. Betts	Mr. Cornwell	Mr. Smith
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Coffin	Mr. Fox	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt	Mr. Johnson	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a  
message informing that the Senate have passed the same without  
amendment.

A bill was received from the Assembly for concurrence entitled,  
"An act to continue in office the commissioners on practice and  
pleadings," which was read the first time, and by unanimous con-  
sent was also read the second time, and referred to the committee  
on the judiciary.

A bill was received from the Assembly for concurrence entitled,  
"An act to release to Helen Hill certain lands in the town of Shel-  
don of which John Gabels, her late uncle, died seised," which was  
read the first time, and by unanimous consent was also read the  
second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to incorporate the village of Palmyra in the county of Wayne, passed March 29, 1827," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A message was received from the Assembly, informing that they had passed, without amendment, the following bills :

"An act to amend the act providing for the incorporation of the Canandaigua and Corning Railroad Company," also

"An act to authorise the city of Schenectady to borrow money for purposes mentioned therein."

*Ordered*, That said bills be delivered to the Governor.

The Assembly returned, in pursuance of the request of the Senate, the bill entitled, "An act to amend the act entitled 'An act to simplify and abridge the practice, pleadings and proceedings in the courts of this State,' passed April 12, 1848."

By unanimous consent,

Mr. Cornwell moved to strike out subdivision 2 of sec. 33 of title 5, and to insert in lieu thereof the section read by him.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Betts	Mr. Cornwell	Mr. Smith
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Wilkin
Mr. Cole	Mr. Hawley	

20

Mr. Hawley moved further to amend said bill by adding at the end of sec. 318, page 103, "attorneys shall not be liable for the fees of sheriffs, clerks, judges nor referees in legal proceedings, except upon their written promise to pay the same, and except also in actions in which they are parties."

The President put the question upon agreeing to said motion, and it was decided in the negative.

Mr. Cornwell moved further to amend said bill by striking out of the 3d line of sec. 279, page 90, the word "is," and insert in lieu thereof the words "has been heretofore or shall hereafter be."

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson

Mr. Bond	Mr. Floyd	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Treadwell
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cole		

19

*Ordered,* That said bill do have its third reading.

The bill entitled "An act directing the appraisal and payment of canal damages sustained by Elias Wilcox," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Hawley
Mr. Betts	Mr. Colt	Mr. Johnson
Mr. Bond	Mr. Cornwell	Mr. Tamblin
Mr. Bush	Mr. Fine	Mr. Treadwell
Mr. Clark	Mr. Floyd	Mr. Whallon
Mr. Coffin	Mr. Fox	Mr. Wilkin

18

FOR THE NEGATIVE.

Mr. S. H. P. Hall	Mr. Smith
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2

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to amend the act entitled, 'An act in relation to the practice, pleadings and proceedings of the courts of this State,' passed April 12, 1848," was then again read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Betts	Mr. Cornwell	Mr. Smith
Mr. Bond	Mr. Floyd	Mr. Tamblin
Mr. Bush	Mr. Fox	Mr. Treadwell
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cole	Mr. Hawley	

19

*Ordered,* That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to amend the act entitled, 'An act to authorise the trustees of the village of Williamsburgh to raise money by loan or tax to pay certain debts, and to provide for the speedy liquidation of certain disputed matters,' passed



May 13, 1845." was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The engrossed bill entitled "An act to authorise the board of supervisors of Oswego county to make certain assessments," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to consolidate and amend the several acts relating to the city of Utica," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin

Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Coffin	Mr. Frost	Mr. Whallon	
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin	21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to incorporate the Life Savings Benevolent Association of the city of New-York," was read the third time and passed, a majority of all the members elected to Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. Cornwell	Mr. Johnson	
Mr. Bond	Mr. Fine	Mr. Smith	
Mr. Bush	Mr. Floyd	Mr. Tamblin	
Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Coffin	Mr. Frost	Mr. Whallon	
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Colt			19

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to incorporate the village of Palmyra, in the county of Wayne," passed March 29, 1827, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act making appropriations to Clinton prison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled 'An act for the protection of emigrants arriving at the port of New-York,'" which was read the first time and, by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to regulate the hours of labor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then took a recess until 4 o'clock P. M.

May 13, 1845." was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin

21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The engrossed bill entitled "An act to authorise the board of supervisors of Oswego county to make certain assessments," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to consolidate and amend the several acts relating to the city of Utica," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin

Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Coffin	Mr. Frost	Mr. Whallon	
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin	21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act to incorporate the Life Savings Benevolent Association of the city of New-York," was read the third time and passed, a majority of all the members elected to Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Johnson	
Mr. Bond	Mr. Fine	Mr. Smith	
Mr. Bush	Mr. Floyd	Mr. Tamblin	
Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Coffin	Mr. Frost	Mr. Whallon	
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Colt			19

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to incorporate the village of Palmyra, in the county of Wayne," passed March 29, 1827, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act making appropriations to Clinton prison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled 'An act for the protection of immigrants arriving at the port of New-York,'" which was read the first time and, by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to regulate the hours of labor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then took a recess until 4 o'clock P. M.

## 4 O'CLOCK P. M.

The Senate again met.

On motion of Mr. Treadwell,

*Resolved*, That the bill entitled "An act to amend the Revised Statutes in relation to summary proceedings to recover the possession of lands," be recommitted to the committee on the judiciary.

Mr. Martin gave notice that he would at a future day move to suspend the 27th rule of the Senate, so as to move a reconsideration of the vote rejecting the bill for the relief of Francis Bates.

Mr. Whallon, from the select committee, reported complete the bill entitled "An act to alter and settle the east line of North Hudson, Essex county."

*Ordered*, That said bill do now have its third reading.

Mr. Coffin, from the select committee, reported complete the bill the bill entitled "An act to incorporate the village of Rondout."

*Ordered*, That said bill do have its third reading.

Mr. Floyd, from the select committee, reported complete the bill entitled "An act to require the town of Norfolk to pay the town of Louisville certain school moneys."

*Ordered*, That said bill do have its third reading.

Mr. Bond, from the select committee, reported complete the bill entitled "An act to amend the charter of the Williamsburgh Fire Insurance Company."

*Ordered*, That said bill do have its third reading.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled, "An act to incorporate a seminary of education under the name of the academy of the Sacred Heart," which was committed to the committee of the whole.

The bill entitled "An act in relation to the canal and canal damages," coming up for its third reading,

On motion of Mr. Clark,

*Ordered*, That said bill be recommitted to the committee on canals.

By unanimous consent,

The Senate then resolved itself into a committee of the whole on the bill entitled "An act in relation to canals and canal damages." and after some time spent thereon, Mr. Tamblin, from said committee, reported in favor of the passage of the same without amendment.

The question being on agreeing with the report of the committee of the whole,

Mr. Floyd moved to amend the report of the committee of the whole by striking out from the word "that" to "another," in first section, and insert the words "as is necessary for public use."

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Smith	
Mr. Betts	Mr. S. H. P. Hall	Mr. Tamblin	
Mr. Fine	Mr. Johnson	Mr. Whallon	9

FOR THE NEGATIVE.

Mr. Bond	Mr. Cole	Mr. Fox	
Mr. Clark	Mr. Colt	Mr. Martin	
Mr. Coffin	Mr. Cornwell	Mr. Wilkin	9

Mr. Tamblin moved to reconsider the vote rejecting said amendment.

The President put the question upon agreeing to said motion, and it was decided in the negative.

The question then being on agreeing to the report of the committee of the whole,

The President put the question upon agreeing to said report, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Bond	Mr. Colt	Mr. Martin	
Mr. Bush	Mr. Cook	Mr. Treadwell	
Mr. Coffin	Mr. Cornwell	Mr. Wilkin	
Mr. Cole	Mr. Johnson		11

FOR THE NEGATIVE.

Mr. Adams	Mr. Fox	Mr. Tamblin	
Mr. Fine	Mr. Smith	Mr. Whallon	
Mr. Floyd			7

*Ordered,* That said bill do have its third reading.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act authorising the Comptroller to receive the returns of certain unpaid taxes on non-resident lands in the county of Cortland for the year 1846," which was committed to the committee of the whole.

Mr. Cole, from the select committee, reported complete the bill entitled, "An act in relation to prices for wharfage hereafter to be charged for vessels landing at the pier on the east side of the city of Albany."

*Ordered,* That said bill do have its third reading.

By unanimous consent,

Mr. Floyd, from the committee on claims, reported in favor of the passage of the bill from the Assembly entitled, "An act authorising the appraisal and payment of canal damages to Perkins E. Hayes," which was committed to the committee of the whole.

Mr. Fine, from the select committee, reported complete the bill entitled, "An act to confirm the official acts of Sylvanus D. Thompson, a justice of the peace of the town of Savannah."

*Ordered*, That said bill do have its third reading.

Mr. Treadwell, from the select committee, reported complete the bill entitled, "An act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city."

*Ordered*, That said bill do have its third reading.

The bill entitled, "An act authorising the commissioners of the land office to sell unappropriated lands," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Fox	
Mr. Bond	Mr. Cornwell	Mr. Martin	
Mr. Coffin	Mr. Fine	Mr. Treadwell	9

FOR THE NEGATIVE.

Mr. Betts	Mr. Cook	Mr. Hawley	
Mr. Clark	Mr. Floyd	Mr. Smith	
Mr. Colt	Mr. S. H. P. Hall	Mr. Whallon	9

Mr. Bond moved to reconsider said vote.

On motion of Mr. Bond,

*Ordered*, That said motion be laid upon the table.

Mr. Floyd, from the select committee, reported complete the bill entitled, "An act to protect the wood lands in Suffolk county against destruction by fire."

*Ordered*, That said bill do have its third reading.

Mr. Floyd, from the select committee, reported complete the bill entitled, "An act to amend an act to incorporate the village of Lyons, passed April 16, 1831."

*Ordered*, That said bill do have its third reading.

The bill from the Assembly entitled, "An act to close and discontinue Diagonal street in the city of Albany," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall	
Mr. Betts	Mr. Cook	Mr. Hawley	
Mr. Bond	Mr. Cornwell	Mr. Martin	
Mr. Bush	Mr. Fine	Mr. Smith	
Mr. Coffin	Mr. Floyd	Mr. Treadwell	
Mr. Cole	Mr. Fox	Mr. Whallon	18

FOR THE NEGATIVE.

Mr. Clark

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

And then the Senate adjourned till 10 o'clock to-morrow morning.

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**TUESDAY, 10 O'CLOCK A. M., MARCH 27, 1849.**

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Clapp.

The Journal of yesterday was read and approved.

Mr. Whallon presented a petition against the traffic in intoxicating drinks, which was referred to the select committee on that subject.

Mr. Cole presented a petition for a bridge across the Erie canal at Albion, which was referred to the committee on canals.

Mr. Cook presented a petition for a new town in Saratoga county to be called Ballston Spa, from parts of the towns of Milton and Ballston, which was referred to the committee on the erection and division of towns and counties.

Mr. Bush presented the memorial of John Jacobs, a Cayuga sachem, against the bill in relation to the Cayuga annuities, which was referred to the committee on Indian affairs.

Mr. Wilkin presented the petition of John Burch for an amendment of the criminal law, which was referred to the committee on the judiciary.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of a bill from the Assembly entitled, "An act to amend an act to incorporate the village of Palmyra in the county of Wayne, passed March 29, 1827," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on state prisons, reported in favor of the passage of the bill entitled, "An act to provide for the payment of debts due from the Auburn State prison," which was committed to the committee of the whole.

Mr. Tamblin, from the select committee, reported complete the bill entitled, "An act to amend the act to consolidate and amend the charter of the village of Watertown."

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. Bond presented the remonstrance of Stephen Van Rensselaer against the passage of an act to open and extend a highway



from the city of Albany to the town of Watervliet in the county of Albany, which was committed to the committee of the whole.

Mr. Cole, from the select committee, reported complete the bill entitled, "An act to confirm the official acts of Sylvester Reed as justice of the peace of the town of Brownsville."

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the select committee, reported complete the bill entitled, "An act to authorise Moses Randall, executor of the last will and testament of James Roberts, deceased, to convey certain real estate."

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to amend the charter of the Albany Hydrant Company," which was committed to the committee of the whole.

Mr. Wilkin, from the select committee, reported complete the bill entitled, "An act to authorise the election of local officers to discharge the duties of county judge and surrogate in the counties of Orange, Chautauque, Cayuga, St. Lawrence, Tioga and Dutchess."

*Ordered*, That said bill do have its third reading.

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported in favor of concurring in all the amendments of the Assembly to the act to incorporate the Syracuse Water Works Company, except that to the 11th section, and the 1st amendment to the 12th section, which last amendment it is proposed to amend so that it will read as follows: "The said company shall furnish without charge to the parties interested, a sufficient supply of water for all domestic purposes."

The President put the question upon agreeing to said amendment, and it was decided in the affirmative.

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fox	Mr. Martin
Mr. Bond	Mr. Geddes	Mr. Smith
Mr. Coffin	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Cole	Mr. W. Hall	Mr. Treadwell
Mr. Colt	Mr. Hawley	Mr. Whallon
Mr. Cook	Mr. Johnson	Mr. Wilkin
Mr. Fine		

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

The act entitled "An act to provide for publishing certain Colonial Documents connected with the history of the State," coming up for its third reading,

On motion of Mr. S. H. P. Hall,

*Ordered*, That said bill be recommitted to the select committee by whom it was reported complete.

Mr. Clark, from the select committee of eight, appointed to select such bills as they thought proper to be referred to select committees

to report complete, reported the following bills, which were severally referred to select committees, as follows :

"An act to incorporate the New-York and Havre Steam Navigation Company," to Messrs Johnson, W. Hall and Smith.

"An act to revive the powers of the Hedding Society of the First Methodist Episcopal church in the town Cayuta, county of Chemung," to Messrs Hawley, S. H. P. Hall and Cornwell.

"An act authorising trustees, receivers and assignees to become petitioning creditors under certain insolvent laws," to Messrs Wilkin, Fine and Whallon.

"An act to declare the public utility of a railroad from Whitehall to Plattsburgh," to Messrs. Whallon, Cook and Treadwell.

"An act to amend an act for the more effectual prevention of fires in the city of New-York, and to amend the acts heretofore passed for that purpose," to Messrs W. Hall, Coffin and Floyd.

"An act for the purchase of materials and tools for the ordinary repairs of the canals," to Messrs Cornwell, Martin and Betts.

"An act to make the offices of the health officer and deputy health officer of the port of New-York, salary offices," to Messrs Bush, Colt and Frost.

Mr. Clark, from the select committee on so much of the message of the Governor as relates to the subject of assessment and taxation, reported a bill entitled "An act for the relief of persons assessed for personal estate in several towns."

The bill from the Assembly entitled, "An act to authorise Moses Randall, executor of the last will and testament of James Roberts, deceased, to convey certain real estate," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Betts	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. S. H. P. Hall	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
		18

FOR THE NEGATIVE.

Mr. Cole	Mr. Cook	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the act to consolidate and amend the charter of the village of Watertown," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Betts	Mr. Floyd	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin
Mr. Cook		

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to confirm the official acts of Sylvester Reed, a justice of the peace of the town of Brownsville," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Martin
Mr. Clark	Mr. Floyd	Mr. Tamblin
Mr. Coffin	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Wilkin
Mr. Colt	Mr. Hawley	

17

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to require the town of Norfolk to pay the town of Louisville certain school moneys," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Floyd	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Coffin	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Wilkin
Mr. Colt	Mr. Hawley	

20

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

Mr. Johnson, from the select committee, reported complete the bill entitled "An act to amend an act for the relief of partners and joint debtors," passed April 18, 1848.

*Ordered*, That said bill do have its third reading.

Mr. Bush, from the select committee, reported complete the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation and regulation of Telegraph Companies,'" passed April 12, 1848."

*Ordered*, That said bill do have its third reading.

Mr. S. H. P. Hall, from the select committee, reported complete the bill entitled "An act to provide for supplying the city of Brooklyn with water for the extinguishment of fires, and for the use of its inhabitants."

*Ordered*, That said bill do have its third reading.

Mr. Smith, from the committee on banks and insurance companies, reported in favor of concurring in the amendments of the Assembly to the bill entitled "An act to incorporate the Syracuse Savings Institution," except in relation to the name of "Joseph Slocum," which name the said committee propose to strike out of the amendment of the Assembly, as being ineligible under the constitution.

The President then put the question upon agreeing to said report, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Hawley
Mr. Bond	Mr. Floyd	Mr. Johnson
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Coffin	Mr. Geddes	Mr. Smith
Mr. Cole	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Colt	Mr. W. Hall	Mr. Wilkin
Mr. Cook		

19

*Ordered*, That the clerk return said bill to the Assembly, informing them of the action of the Senate thereon.

Mr. Cornwell, from the committee on railroads, reported in favor of the passage, with amendments, of the bill from the Assembly entitled "An act to amend an act requiring compensation for causing death by wrongful act, neglect or default," passed December 23, 1847, which was committed to the committee of the whole.

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to release to Helen Dill certain lands in the town of Sheldon, of which John Gauls, her late uncle, died seised," which was committed to the committee of the whole.

The Senate, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to establish the New-York State Agricultural College," and after some time spent thereon, Mr. Floyd, from said committee, reported in favor of the passage of the same without amendment.

The question being on agreeing with the report of the committee of the whole,

Mr. Hawley moved to amend the report of the committee of the whole by inserting as section second, the following:

§ 2. A board of trustees, to consist of eight persons, shall be appointed in the following manner: one shall be appointed by the justices of the supreme court in each of the judicial districts in the State, and who shall reside therein. Three of such trustees shall hold their office for two years, three for four years, and three for six years. All vacancies that occur shall be filled in the same manner.

The President put the question upon agreeing to said amendment, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. S. H. P. Hall	
Mr. Betts	Mr. Floyd	Mr. Hawley	
Mr. Coffin	Mr. Fox		8

FOR THE NEGATIVE.

Mr. Bush	Mr. Cook	Mr. Martin	
Mr. Clark	Mr. Geddes	Mr. Smith	
Mr. Cole	Mr. W. Hall	Mr. Treadwell	
Mr. Colt	Mr. Johnson	Mr. Wilkin	12

The question then being on agreeing with the report of the committee of the whole.

The President put the question on agreeing to the report of the committee, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. Fine	
Mr. Bush	Mr. Colt	Mr. Smith	6

FOR THE NEGATIVE.

Mr. Adams	Mr. Geddes	Mr. Johnson	
Mr. Clark	Mr. S. H. P. Hall	Mr. Martin	
Mr. Coffin	Mr. W. Hall	Mr. Treadwell	
Mr. Cook	Mr. Hawley	Mr. Whallon	
Mr. Floyd			13

A message was received from the Assembly informing that they had examined and returned the bill entitled, "An act to amend an act to incorporate the trustees of the Yorkville school in the twelfth ward of the city of New-York, passed April 2, 1827."

*Ordered*, That said bills be returned to the Assembly.

A message was received from the Assembly, informing that they had receded from the first of their amendments to the bill for the relief of Zebulon Moore, and do insist upon their amendments which add to said bill the third and fourth sections.

Mr. Clark moved that the Senate do recede from its vote of non-concurrence with the said amendments.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Johnson	
Mr. Bush	Mr. Fine	Mr. Martin	
Mr. Clark	Mr. Floyd	Mr. Tamblin	
Mr. Coffin	Mr. Fox	Mr. Treadwell	
Mr. Colt	Mr. S. H. P. Hall	Mr. Whallon	
Mr. Cook	Mr. Hawley	Mr. Wilkin	18

FOR THE NEGATIVE.

Mr. Cole	Mr. W. Hall	Mr. Smith	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

On motion of Mr. Cook,

*Ordered*, That the bill entitled, "An act for the formation of insurance companies," be made the special order for Friday next at 11 A. M.

On motion of Mr. Treadwell,

The Senate then proceeded to the consideration of executive business.

When the executive session was closed,

By unanimous consent,

Mr. Wilkin introduced a bill entitled, "An act prescribing fire limits in the village of Newburgh," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wilkin,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs. Whallon, Smith and Treadwell, be said committee.

On motion of Mr. Bond,

*Ordered*, That the bill entitled "An act to declare the public utility of a railroad from Lewiston to Niagara Falls," be made the special order for Friday next at 12 o'clock.

By unanimous consent,

Mr. Fine introduced a bill entitled, "An act authorising the Canal Commissioners to build a bridge across the Erie canal in the village of Albion," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

On motion of Mr. S. H. P. Hall,

*Ordered*, That the bill making appropriations to certain literary institutions, be made the special order for Saturday next, at 11 A. M.

Mr. Fox, from the committee on the erection and division of towns and counties, to which was referred the petition for that purpose, reported a bill entitled, "An act to erect the town of Balston Spa from parts of the towns of Milton and Ballston in Saratoga county," which was read the first time, and by unanimous consent was

also read the second time, and committed to the committee of the whole.

On motion of Mr. Martin,

And in pursuance of previous notice,

*Ordered*, That the 26th rule of the Senate be suspended, and the vote rejecting the bill entitled, "An act to pay Francis Bates certain sums of moneys for fines, costs and expenses paid by him in consequence of taking Barney Hiers, an escaped convict," be reconsidered.

A message was received from the Assembly informing that they had agreed to the report of the committee of conference on the bill entitled, "An act to provide for the government of the departments of Alms and Penitentiary in the city and county of New-York."

The President put the question whether the Senate would agree to the report of said committee, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Geddes	Mr. Treadwell
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin
Mr. Cook		

19

#### FOR THE NEGATIVE.

Mr. Adams	Mr. W. Hall	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

Mr. Whallon, from the select committee, reported complete the bill entitled "An act to declare the public utility of a railroad from Whitehall to Plattsburgh,"

*Ordered*, That said bill do have its third reading.

The bill from the Assembly entitled, "An act to establish a court of special sessions for the city of Albany, and to confer further judicial powers on the recorder of said city," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Martin
Mr. Betts	Mr. Cornwell	Mr. Smith
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Bush	Mr. Fox	Mr. Treadwell
Mr. Clark	Mr. W. Hall	Mr. Whallon
Mr. Coffin	Mr. Hawley	Mr. Wilkin
Mr. Colt	Mr. Johnson	

20

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to regulate the expenditure of the highway tax in parts of Essex, Hamilton and Warren counties," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Martin
Mr. Betts	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Coffin	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin
Mr. Cook	Mr. Johnson	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

By unanimous consent,

Mr. Cornwell introduced a bill entitled "An act to amend the act entitled 'An act establishing free schools throughout the State,' passed March 26, 1849," which was read the first time, and by unanimous consent was also read the second time.

By unanimous consent,

Said bill was also read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Floyd	Mr. Smith
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt	Mr. W. Hall	

23

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent,

Mr. Floyd presented the petition of Lawrence Seaman, jr. and 140 citizens of Suffolk, for a law to prevent the destruction of oysters



planted in the bay opposite Islip and Huntington, which was read and referred to a select committee.

By unanimous consent,

Mr. Floyd from the select committee for that purpose introduced a bill entitled "An act for the preservation of oysters in the Great South Bay, opposite the towns of Islip and Huntington," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

The bill entitled "An act to provide for the publishing of certain documents relating to the Colonial History of the State," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Bond	Mr. Cook	Mr. W. Hall
Mr. Bush	Mr. Cornwell	Mr. Johnson
Mr. Clark	Mr. Fine	Mr. Martin
Mr. Coffin	Mr. Fox	Mr. Treadwell
Mr. Cole	Mr. Geddes	Mr. Wilkin
		18

#### FOR THE NEGATIVE.

Mr. Betts	Mr. Smith	Mr. Whallon
Mr. Floyd		
		4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Martin,

*Ordered*, That the bill entitled "An act in relation to the canal debt and canal damages," be recommitted to the select committee to report complete.

The bill from the Assembly entitled, "An act to confirm the official acts of Sylvanus D. Thompson, a justice of the peace, of the town of Savannah," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Martin
Mr. Betts	Mr. Cook	Mr. Smith
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin
		18

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to alter and settle the east line of North Hudson, in Essex county," was read the third time and passed, a majority of all the members elected to Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Johnson
Mr. Betts	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt	Mr. W. Hall	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to provide for the payment of a select committee of the Legislature of 1848," was read a third time and lost, a majority of members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Betts	Mr. Cook	Mr. Martin
Mr. Bond	Mr. Cornwell	Mr. Tamblin
Mr. Bush	Mr. Geddes	Mr. Treadwell
Mr. Coffin	Mr. Hawley	Mr. Wilkin
Mr. Cole		

16

FOR THE NEGATIVE.

Mr. Clark	Mr. Floyd	Mr. Smith
Mr. Fine	Mr. S. H. P. Hall	Mr. Whallon

6

On motion of Mr. Cole,  
The 27th rule of the Senate was suspended.

On motion of Mr. Wilkin,

*Ordered,* That the vote of the Senate rejecting the bill entitled "An act to provide for the payment of a select committee of the Legislature of 1848," be reconsidered.

*Ordered,* That said bill be laid upon the table.

Mr. Cornwell moved that the Senate do now take a recess until 4 P. M.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. W. Hall	
Mr. Bond	Mr. Cornwell	Mr. Martin	
Mr. Coffin	Mr. Fine	Mr. Wilkin	
Mr. Cole	Mr. Fox		11

## FOR THE NEGATIVE.

Mr. Bush	Mr. Geddes	Mr. Smith	
Mr. Colt	Mr. S. H. P. Hall	Mr. Whallon	
Mr. Floyd	Mr. Johnson		8

The Senate then took a recess until 4 o'clock P. M.

## 4 O'CLOCK P. M.

The Senate again met.

On motion of Mr. S. H. P. Hall,

*Ordered*, That the call of the Senate do now take place, and the doors be shut.

When the doors were opened,

The bill from the Assembly entitled, "An act to protect the wood lands in Suffolk county from being destroyed by fire," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Johnson	
Mr. Bush	Mr. Fine	Mr. Martin	
Mr. Clark	Mr. Floyd	Mr. Smith	
Mr. Coffin	Mr. Hawley		11

## FOR THE NEGATIVE.

Mr. Cole	Mr. Fox	Mr. Treadwell	
Mr. Cook	Mr. Geddes	Mr. Whallon	
Mr. Cornwell	Mr. S. H. P. Hall		8

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate do non-concur in the passage thereof.

The bill from the Assembly entitled, "An act to amend the act to incorporate the village of Lyons," passed April 16, 1831, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bush	Mr. Fine	Mr. Martin
Mr. Clark	Mr. Floyd	Mr. Smith
Mr. Coffin	Mr. Fox	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Wilkin
Mr. Cook		

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorize the commissioners of loans in Washington county to transcribe certain records," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bond	Mr. Cornwell	Mr. Martin
Mr. Bush	Mr. Fine	Mr. Smith
Mr. Clark	Mr. Floyd	Mr. Treadwell
Mr. Coffin	Mr. Fox	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin

21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to incorporate St. Vincent's Orphan Asylum in the city of Albany," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Martin
Mr. Bush	Mr. Fine	Mr. Smith
Mr. Clark	Mr. Floyd	Mr. Treadwell
Mr. Coffin	Mr. Fox	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt	Mr. W. Hall	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act to confirm the official acts of Horace

D. Brundage, a justice of the peace of the town of Lodi," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. Fox	
Mr. Betts	Mr. Colt	Mr. S. H. P. Hall	
Mr. Bond	Mr. Cook	Mr. Martin	
Mr. Bush	Mr. Cornwell	Mr. Treadwell	
Mr. Clark	Mr. Fine	Mr. Wilkin	15

## FOR THE NEGATIVE.

Mr. Cole	Mr. W. Hall	Mr. Smith	
Mr. Floyd	Mr. Hawley	Mr. Whallon	6

The bill from the Assembly entitled, "An act to authorise the supervisors of Monroe county to purchase or build a surrogate's and county treasurer's office," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall	
Mr. Betts	Mr. Cook	Mr. Hawley	
Mr. Bond	Mr. Cornwell	Mr. Martin	
Mr. Bush	Mr. Fine	Mr. Smith	
Mr. Clark	Mr. Floyd	Mr. Treadwell	
Mr. Coffin	Mr. Fox	Mr. Whallon	
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin	21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act in relation to the erection of a town house in the town of New Utrecht," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. W. Hall	
Mr. Betts	Mr. Cornwell	Mr. Hawley	
Mr. Bond	Mr. Fine	Mr. Martin	
Mr. Bush	Mr. Floyd	Mr. Treadwell	
Mr. Clark	Mr. Fox	Mr. Whallon	
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin	18

FOR THE NEGATIVE.

Mr. Cook

Mr. Smith

2

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorise the supplying the loss of evidence of proceedings for the incorporation of the village of Corning, and to constitute said village a separate road district," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bush  
Mr. Clark  
Mr. Coffin  
Mr. Cole

Mr. Cook  
Mr. Cornwell  
Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. S. H. P. Hall

Mr. W. Hall  
Mr. Hawley  
Mr. Martin  
Mr. Smith  
Mr. Treadwell  
Mr. Wilkin

18

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to correct the tax books in the Comptroller's office and to authorise extracts from records in his office to be taken therefrom and read as evidence," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bond  
Mr. Bush  
Mr. Clark  
Mr. Coffin  
Mr. Cole

Mr. Cook  
Mr. Cornwell  
Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. S. H. P. Hall  
Mr. W. Hall

Mr. Hawley  
Mr. Martin  
Mr. Smith  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to regulate the salary of the district attorney of the county of Columbia," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Floyd	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Treadwell
Mr. Clark	Mr. S. H. P. Hall	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Cook		

19

## FOR THE NEGATIVE.

Mr. Geddes

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to legalise the proceedings of the trustees and electors of the village of Ulster in the county of Ulster," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Geddes	Mr. Wilkin
Mr. Colt		

19

## FOR THE NEGATIVE.

Mr. S. H. P. Hall

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to define the boundaries of the towns of Ballston and Clifton Park," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Geddes	Mr. Wilkin

18

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act in relation to the compensation of the treasurer of the county of Monroe," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. S. H. P. Hall
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Floyd	Mr. Smith
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Colt		

19

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill entitled "An act to provide for the appointment of commissioners to ascertain the compensation for taking private property for public use in the city of Troy, and to regulate the proceedings in taking such property for that purpose," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Geddes	Mr. Wilkin
Mr. Colt	Mr. S. H. P. Hall	

20

*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to authorise the commissioners of highways of Waterloo to borrow money," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Martin



Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Geddes	Mr. Wilkin
Mr. Colt	Mr. S. H. P. Hall	20

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the Revised Statutes relative to commissions to executors and administrators," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Martin
Mr. Betts	Mr. Fine	Mr. Smith
Mr. Bond	Mr. Floyd	Mr. Treadwell
Mr. Bush	Mr. Fox	Mr. Whallon
Mr. Clark	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Coffin	Mr. W. Hall	17

*Ordered*, That the clerk return said bill to the Assembly and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to drain the Springtown swamp, in the town of New Paltz, in the county of Ulster," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Floyd	Mr. Smith
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt		22

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

A message was received from the Assembly requesting a committee of conference on the proposed amendments to the 15th joint rule and if the Senate agree thereto, that Messrs Pruyn, Maine and Beltinger be such committee on the part of the Assembly.

The Senate agreed thereto, and Messrs Clark, Bush and Cole were appointed such committee on the part of the Senate.

And then the Senate adjourned till 10 o'clock to-morrow morning.

### WEDNESDAY, 10 O'CLOCK A. M., MARCH 28, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Sprague.

The Journal of yesterday was read and approved.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
March 26, 1849.

To the SENATE,—

I have this day approved and signed bills with the following titles, to wit :

“An act to incorporate the Lewiston Suspension Bridge Company,” also

“An act to establish free schools throughout the State,” also

“An act to amend the act providing for the incorporation of the Canandaigua and Corning Railroad Company,” also

“An act to authorise the executors of the last will and testament of Isaac Moser to make a sale of certain lands,” also

“An act in relation to the removal of convicts from one State prison to another.”

HAMILTON FISH.

Mr. Coffin presented the petition of 59 electors of the town of Brookhaven for a division of said town, which was referred to the committee on the erection and division of towns and counties.

Mr. Cole presented the petition of Horace Hopkins for a law authorising the canal appraisers to appraise his damages, which was referred to the committee on canals.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
March 27, 1849.

To the SENATE,—

I have this day approved and signed a bill entitled, “An act to authorise the city of Schenectady to borrow money for the purposes mentioned therein.”

HAMILTON FISH.

Mr. Wilkin, from the committee on the judiciary, reported for the consideration of the Senate the bill entitled, "An act to provide for the settlement of the claim of the estate of John Jacob Mang for land taken by the State," which was committed to the committee of the whole.

Mr. Martin, from the committee on canals, reported in favor of the passage of the bill from the Assembly entitled, "An act to pay James R. Clark certain expenses in defending a libel suit while in the employ of the State," which was committed to the committee of the whole.

Mr. Martin, from the committee on canals, reported adverse to the passage of the bill entitled, "An act authorising the canal commissioners to build a bridge over the Erie canal in the village of Albion."

On motion of Mr. Cole,

*Ordered*, That said bill be referred to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill entitled "An act to amend the Revised Statutes in relation to summary proceedings to recover possession of land."

On motion of Mr. Wilkin,

*Ordered*, That said bill do have its third reading.

Mr. Geddes, from the committee on roads and bridges, reported against the passage of the bill from the Assembly entitled "An act to authorise the Bainbridge and Deposit Plank Road Company to erect a bridge across the Susquehannah river at or near the village of Bainbridge," which was committed to the committee of the whole.

Mr. Fine, from the select committee, reported complete the bill entitled "An act authorising trustees, receivers and assignees to become petitioning creditors under certain insolvent laws."

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the select committee, reported complete the bill entitled "An act prescribing fire limits in the village of Newburgh."

*Ordered*, That said bill do have its third reading.

Mr. Fine, from the select committee, reported complete the bill entitled "An act to incorporate the proprietors of the Albany pier."

*Ordered*, That said bill do have its third reading.

Mr. Treadwell, from the committee on roads and bridges, reported for the consideration of the Senate the bill entitled "An act to repeal an act to appoint commissioners to lay out a road from Palatine bridge in Montgomery county, through Palatine, Euphratah, Pleasant Valley and Garoga, to lands belonging to the State in the county of Fulton, passed December 10, 1847," which was committed to the committee of the whole.

Mr. Martin, from the select committee, reported complete the bill entitled "An act for the purchase of materials and tools for the ordinary expenses of the canals."

Mr. Floyd moved to re-commit said bill to the committee of the whole.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Bush	Mr. Floyd	Mr. Tamblin	
Mr. Colt	Mr. Hawley	Mr. Whallon	
Mr. Fine	Mr. Smith		8

FOR THE NEGATIVE.

Mr. Clark	Mr. Fox	Mr. Johnson	
Mr. Coffin	Mr. Geddes	Mr. Martin	
Mr. Cook	Mr. S. H. P. Hall	Mr. Treadwell	
Mr. Cornwell	Mr. W. Hall		11

The question being on agreeing with the report of the committee of the whole,

The President put the question upon agreeing to said report, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Bond	Mr. Cook	Mr. W. Hall	
Mr. Bush	Mr. Cornwell	Mr. Johnson	
Mr. Coffin	Mr. Fox	Mr. Martin	
Mr. Cole	Mr. Geddes	Mr. Treadwell	
Mr. Colt	Mr. S. H. P. Hall		14

FOR THE NEGATIVE.

Mr. Fine	Mr. Hawley	Mr. Tamblin	
Mr. Floyd	Mr. Smith	Mr. Whallon	6

*Ordered.* That said bill do have its third reading.

Mr. Smith, from the select committee of eight, appointed to select such bills as they thought proper to be referred to select committees to report complete, reported the following bills, which were severally referred to select committees, as follows :

"An act to amend an act in relation to the keeping of gunpowder, saltpetre and certain other substances, in the city of New-York," passed May 15, 1836, to Messrs W. Hall Floyd and Coffin.

"An act to amend an act entitled 'An act incorporating the University of the city of New-York, passed April 11, 1831,'" to Messrs Johnson, Smith and W. Hall.

"An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes," to Messrs Cook, Treadwell and Smith.

On motion of Mr. Floyd,

*Resolved*, That the vote of the Senate rejecting the bill entitled "An act to protect the woodland in Suffolk county, against destruction by fire," be reconsidered.

By unanimous consent,

*Ordered*, That said bill do have its third reading.

On motion of Mr. Wilkin,

*Resolved*, That the Senate will at two o'clock to-day, and at the same hour on each succeeding day, except Saturdays, take a recess until four o'clock P. M., at which hour it will meet for the transaction of business, and continue till six o'clock, till otherwise ordered.

On motion of Mr. Fine,

*Ordered*, That the bill from the Assembly entitled "An act for the relief of the St. Lawrence Academy, and for increasing the number of its trustees," be referred to the same committee of the whole having in charge the bill making appropriations to certain literary institutions.

On motion of Mr. Johnson,

*Ordered*, That the bill entitled "An act for the appointment of referees," be made the special order of the day for Thursday, the 29th March, at 12 o'clock.

By unanimous consent,

Mr. W. Hall, from the select committee, reported complete the bill entitled "An act to amend an act entitled 'An act incorporating the University of the city of New-York, passed April 11, 1831.'"

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. W. Hall, from the select committee, reported complete the bill entitled "An act to prevent the throwing of offal and other filthy substances in the streets of the city of New-York."

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. Clark, from the committee on banks and insurance companies, reported adverse to the passage of the bill entitled "An act to amend an act entitled 'An act to incorporate the Orange county Mutual Insurance Company, passed March 15, 1837,'" which was committed to the committee of the whole.

Mr. Smith, offered for the consideration of the Senate the following resolution :

*Resolved*, That the bill entitled "An act to amend an act in relation to the fees and compensation of certain officers in the city and county of New-York," passed December 10, 1847, be referred to a select committee.

Mr. Johnson moved to amend the said resolution by ordering the indefinite postponement of said bill.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Bond	Mr. Cook	Mr. Johnson
Mr. Bush	Mr. Fine	Mr. Martin
Mr. Clark	Mr. Floyd	Mr. Smith
Mr. Coffin	Mr. Fox	Mr. Treadwell
Mr. Cole	Mr. Geddes	Mr. Wilkin
Mr. Colt	Mr. W. Hall	

17

The bill entitled, "An act to pay Francis Bates certain sums of moneys for fines, costs and expenses paid by him in consequence of taking Barney Hiers, an escaped convict," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Coffin	Mr. Fox	Mr. Treadwell
Mr. Colt	Mr. W. Hall	Mr. Whallon

15

FOR THE NEGATIVE.

Mr. Cornwell	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Geddes	Mr. Smith	

5

The bill from the Assembly entitled, "An act to amend the Revised Statutes in relation to summary proceedings to recover possession of lands," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Geddes	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Coffin	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Johnson	Mr. Wilkin
Mr. Cornwell		

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend an act for the relief of partners and joint debtors," passed April 18, 1838, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Colt	Mr. W. Hall	

17

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A bill was received from the Assembly for concurrence entitled, "An act authorising the erection of docks in the seventh ward in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the following bills :

"An act authorising the supervisors of the county of Oswego to raise money to construct a free bridge over Oswego river," also

"An act to amend an act entitled, 'An act to consolidate and amend the acts to incorporate the city of Buffalo,' passed April 20, 1832, and the various acts amendatory thereof, passed April 17, 1843," also

"An act to amend the act to authorise the trustees of the village of Williamsburgh to raise money by loan and tax," passed May 13, 1845."

*Ordered*, That said bills be delivered to the Governor.

The bill from the Assembly entitled, "An act to amend the charter of the Williamsburgh Fire Insurance Company," coming up for its third reading,

On motion of Mr. Smith,

*Ordered*, That said bill be recommitted to the committee on banks and insurance companies, to report complete.

The bill from the Assembly entitled, "An act to prevent the throwing of offal and other filthy substances in the streets of the city of New-York," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook	Mr. W. Hall	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to incorporate the village of Rondout," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Geddes	Mr. Tamblin
Mr. Coffin	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin
Mr. Cook		

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill entitled "An act to release the interest of the State in certain lands of which David Darrah died possessed, to Susan Darrah, his wife," was read the third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Floyd	Mr. Smith
Mr. Clark	Mr. Fox	Mr. Tamblin
Mr. Coffin	Mr. Geddes	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Wilkin
Mr. Cook	Mr. Hawley	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The president laid before the Senate the following communication from the Reverend Doctor William B. Sprague.

*Albany, March 28, 1849.*

A. H. CALHOUN, Esq.

Clerk of the Senate.

Dear Sir: In acceding to the request with which the Senate have honored me, for a copy of my sermon preached last Sunday evening, it is due to myself to say that it was written in extreme haste, and



without the least idea that any public notice was to be taken of it. My respect, however, for the character of our lamented friend, as well as for the venerable body that have made the request, will not allow me to withhold even so humble a tribute to his memory.

I am, my dear sir,  
respectfully yours,  
W. B. SPRAGUE.

*Ordered*, That this communication be entered on the Journal.

Mr. S. H. P. Hall moved the printing of ten times the usual number of copies of said sermon, which was referred to the committee on public printing.

By unanimous consent,

Mr. Tamblin, from the committee on public printing, reported in favor of printing ten times the usual number of the aforesaid sermon.

The President put the question upon agreeing to said report, and it was decided in the affirmative.

Mr. Cook, from the committee on banks and insurance companies, reported in favor of the passage, with amendment, of the bill entitled, "An act to amend the charter of the Williamsburgh Fire Insurance Company."

*Ordered*, That said bill do have its third reading.

On motion of Mr. Johnson,

The bill entitled, "An act in relation to the Cayuga annuities," was referred to the same committee of the whole having in charge the bill entitled, "An act to amend the act to provide for the construction of a railroad from the navigable waters of the great western lakes to Lake Champlain," passed May 14, 1848.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to amend the act to provide for the construction of a railroad from the navigable waters of the great western lakes to Lake Champlain," passed May 14, 1845, and after some time spent thereon, Mr. Treadwell, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to the Cayuga annuities," and after some time spent thereon, Mr. Treadwell, from said committee, reported progress, and asked for and obtained leave to sit again.

A message was received from the Assembly informing that they have concurred in the amendments of the Senate to the bill entitled, "An act to amend the charter of the city of New-York," except such part thereof as provides that the said charter shall not be submitted to the people of the city of New-York at the ensuing charter election of said city.

Mr. W. Hall moved that the Senate do recede from the said amendments as non-concurred in by the Assembly.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Coffin	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin
Mr. Cook	Mr. Johnson	

17

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

The Senate then took a recess until 4 o'clock P. M.

## 4 O'CLOCK P. M.

The Senate again met.

The Senate then, in committee of the whole, proceeded to the consideration of the special order of the day, being the bill entitled, "An act to amend an act to provide for the construction of a railroad from the navigable waters of the great western lakes to Lake Champlain," passed May 14, 1845, and after some time spent thereon, Mr. Treadwell, from said committee, reported in favor of the passage of the same with amendments.

On motion of Mr. Fine,

*Ordered*, That the question on agreeing to said report be laid on the table.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act in relation to the Cayuga Indian annuities," and after some time spent thereon, Mr. Treadwell, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

Mr. Smith offered for the consideration of the Senate the following resolution :

*Resolved*, (if the Assembly concur,) That this Legislature will adjourn on Wednesday the 11th day of April, at 12 o'clock at noon.

*Ordered*, That said motion be laid upon the table.

A bill was received from the Assembly for concurrence entitled, "An act granting certain lands under water in Phillipstown, Putnam county, to Frederick Phillipse and others," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Smith,

*Resolved*, That said bill be referred to a select committee to report complete.

A bill was received from the Assembly for concurrence entitled, "An act to authorize the settlement of the claims of this State against the bail of the late county treasurer of the county of Onon-

daga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on grievances.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the canal debt falling due on the first day of July, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act in relation to a lock on the Crooked Lake canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act to prevent the manufacture and sale of slung shot," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the settlement of a claim of the trustees of the village of Canandaigua on the town of Canandaigua," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act making appropriations for the support of government for the fiscal year commencing October 1, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

A bill was received from the Assembly for concurrence entitled, "An act authorising the canal board to lengthen the locks on the Erie canal between Syracuse and Rochester," which was read the first time and, by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act in relation to debts due for damages on the canals prior to June 1, 1846," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the Cayuga and Seneca canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act entitled, 'An act in relation to the funds appropriated for the canals,' passed April 10, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the Black river canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the appraisal and payment of canal damages to Surranus Britton, William Baldwin, Franklin R. Smith and Abraham Wigg," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act for the repeal of an act to enable the town of Day to raise money to build a bridge," passed April 12, 1848, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to regulate the police of the city of Troy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the Genesee Valley canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act providing for the improvement of the Conesus and other lakes, or either of them, as reservoirs to supply the Genesee Valley and Erie canals with water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the Oneida river improvement," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the construction of a plank road in the town of Hermon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the Erie canal enlargement," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the canal debt, and the maintenance of the canals for the fiscal year commencing October 1, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to authorise the formation of the Niagara Suspension Bridge House Company," passed April 11, 1848, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to settle the claim of the Canal Board upon the General Fund, according to the provisions of the constitution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the Oswego canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act re-appropriating certain moneys to the Black River canal and Erie canal feeder," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act in relation to claims upon the Canal Fund, and expenses not provided for," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act appropriating money to the Genesee Valley canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled:

"An act for the relief of Lyman H. Phillips and Zebulon Moore."

*Ordered*, That said bill be transmitted to the Governor.

Mr. W. Hall, from the select committee, reported complete the bill entitled "An act to amend an act for the more effectual prevention of fires in the city of New-York, and to amend the acts heretofore passed for that purpose."

*Ordered*, That said bill do have its third reading.

Mr. W. Hall, from the select committee, reported complete the bill entitled "An act to amend an act in relation to the keeping of gunpowder, saltpetre and certain other substances, in the city of New-York," passed May 13, 1846.

*Ordered*, That said bill do have its third reading.

Mr. Coffin, from the committee on banks and insurance companies, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act to incorporate the Buffalo Savings Bank," passed May 9, 1846.

On motion of Mr. Coffin,

*Ordered*, That said bill do have its third reading.

Mr. Hawley, from the select committee, reported complete the bill entitled "An act to revive the powers of the Hedding Society of the First Methodist Episcopal Church in the town of Cayuta, county of Chemung."

*Ordered*, That said bill do have its third reading.

Mr. W. Hall, from the select committee, reported complete the

bill entitled "An act to incorporate the New-York and Harvre Steam Navigation Company."

*Ordered*, That said bill do have its third reading.

And then the Senate adjourned till 10 o'clock to-morrow morning.

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THURSDAY, 10 O'CLOCK A. M., MARCH 29, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Van Brunt.

The Journal of yesterday was read and approved.

Mr. Wilkin presented a petition for a law to prohibit the sale of intoxicating drinks, which was referred to the select committee on that subject.

Mr. Wilkin presented the petition of Erastus Corning & Co. for authority to sell certain real estate, which was referred to the committee on the judiciary.

Mr. Johnson presented a remonstrance against the bill authorising a plank road in Hermon.

Mr. Whallon presented the remonstrance of citizens of Schroon against the division of said town, which was referred to the committee on the erection and division of towns and counties.

Mr. Martin, from the committee on canals, reported in favor of the passage of the following bills from the Assembly, which were severally committed to the committee of the whole, viz :

"An act in relation to the canal debt and the maintenance of the canals for the fiscal year commencing October 1, 1849," also

"An act to amend an act providing for the improvement of Conesus and other lakes, or either of them, as reservoirs to supply the Genesee Valley and Erie canals with water," also

"An act in relation to the Oneida river improvement," also

"An act to settle the claim of the Canal Fund upon the General Fund, according to the provisions of the Constitution," also

"An act reappropriating money to the Genesee Valley canal," also

"An act in relation to the Erie canal enlargement," also

"An act in relation to a lock on the Crooked Lake canal," also

"An act to amend the act entitled, 'An act in relation to the funds appropriated for the canals,' passed April 10, 1848," also

"An act in relation to debts due for damages on the canals prior to June 1, 1846," also

"An act in relation to the Genesee Valley canal," also

"An act in relation to the Oswego canal."

On motion of Mr. Martin,  
Said bills were made the special order for the 2d day of April, at 11 A. M.

Mr. Tamblin, from the committee on canals, reported in favor of the passage of the following bills from the Assembly, which were severally committed to the committee of the whole.

"An act in relation to the Black River Canal." also

"An act re-appropriating certain moneys to the Black River canal and Erie canal feeder."

On motion of Mr. Tamblin,

*Ordered*, That said bills be made the special order of the day for Monday, April 2d, at eleven o'clock.

By unanimous consent,

Mr. Wilkin introduced a bill entitled "An act providing for compensation to the county treasurers of this State for services rendered by them under the act of April 1848, relating to the funds and securities in possession of the clerk of the Court of Appeals," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wilkin,

*Ordered*, That said bill be referred to the committee on the judiciary to report complete.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage, with an amendment, of the bill from the Assembly entitled "An act to amend the act to authorise the formation of the Niagara Suspension Bridge House Company."

On motion of Mr. Geddes,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs. Geddes, Colt and S. H. P. Hall, be said committee.

Mr. Geddes, from said committee, reported the same complete.

*Ordered*, That said bill do have its third reading.

Mr. S. H. P. Hall, from the committee on state prisons, reported in favor of the passage of the bill entitled, "An act making appropriations for Clinton prison," which was committed to the committee of the whole.

Mr. Cornwell, from the committee on railroads, reported for the consideration of the Senate the bill from the Assembly entitled "An act to declare the public utility of a railroad from Troy to the State line of Vermont," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill entitled "An act to amend the charter of the city of Syracuse."

On motion of Mr. S. H. P. Hall,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs S. H. P. Hall, Geddes and Betts, be said committee.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled "An act to authorise the settlement of a claim of the trustees of the village of Canandaigua, on the town of Canandaigua."

On motion of Mr. Colt,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs Cole, Martin and Colt be said committee.

Mr. Smith, from the select committee, reported complete the bill entitled "An act granting certain lands under water in Phillipstown, Putnam county, to Frederick Phillipse and others."

*Ordered*, That said bill do have its third reading.

Mr. Floyd, from the committee on grievances, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the settlement of the claim of the State against the bail of the late county treasurer of the county of Onondaga," which was committed to the committee of the whole.

Mr. Geddes, from the select committee, reported complete the bill entitled "An act to amend the charter of the city of Syracuse."

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. Wilkin introduced a bill entitled "An act to amend the 35th section of the general plank road law, as far as it affects the county of Sullivan," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Wilkin,

*Ordered*, That said bill be referred to the committee on the judiciary to report complete.

On motion of Mr. Fine,

The bill entitled, "An act in relation to prices for wharfage hereafter to be charged for vessels landing at the pier on the east side of the city of Albany," was recommitted to the committee of the whole.

On motion of Mr. Adams,

*Resolved*, That the bill to equalise taxation in the county of Ulster, be recommitted to the committee on the internal affairs of towns and counties.

On motion of Mr. Fox,

*Ordered*, That the bill entitled, "An act to declare the public utility of a railroad from Troy to the state line of Vermont," be made the special order for Tuesday, April 3, at 11 A. M.

On motion of Mr. Wilkin, and by unanimous consent,

The vote rejecting the bill entitled, "An act to pay Francis Bates certain sums of money for fines, costs and expenses incurred in taking Barney Hiers, an escaped convict," was reconsidered.

On motion of Mr. Wilkin,

*Ordered*, That said bill do have its third reading.



A message was received from the Assembly, informing that they do non-concur in the amendments of the Senate to the bill entitled, "An act to regulate the expenditure of the highway tax in parts of Essex, Hamilton and Warren counties," and informing that they had appointed a committee of conference on the matters in disagreement between the two houses on said bill, and had appointed as said committee, Messrs Wells, Kennedy, Goff, Culbert and Rockwell.

On motion of Mr. Whallon,

*Resolved*, That the Senate do consent to a committee of conference on said bill.

*Ordered*, That Messrs. Cook, Treadwell, Whallon, Fox and Frost be said committee.

The Senate then resolved itself into a committee of the whole on the special order for the day, it being the bill entitled, "An act to declare the public utility of a railroad from Syracuse to Rochester on the most direct route," and after some time spent thereon, Mr. Adams from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then took a recess until 4 o'clock P. M.

#### 4 O'CLOCK P. M.

The Senate again met.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to declare the public utility of a railroad from the city of Rochester to the city of Syracuse on the most direct and eligible route," and after some time spent thereon, Mr. Coffin, (in behalf of Mr. Adams,) from said committee, reported in favor of the passage of the same without amendment.

On motion of Mr. Cornwell,

*Ordered*, That the question on agreeing to said report be laid on the table.

The Senate, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to appoint referees in the city of New-York," and after some time spent thereon, Mr. Coffin, from said committee, reported progress, and asked for and obtained leave to sit again.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to incorporate the village of Potsdam," passed March 3, 1831, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act for the organization of the first division of the New-York Militia," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

A message was received from the Assembly, informing that they had passed, without amendment, the following bills :

"An act to provide for the publishing of certain documents relating to the colonial history of the State," also

"An act in relation to insurances on property in this State made by individuals and associations unauthorised by law," also

"An act to amend and consolidate the several acts relating to the city of Utica."

*Ordered,* That said bills be delivered to the Governor.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act more effectually to provide for common school education in the city and county of New-York," passed May 7, 1844, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act to levy a tax upon the town of Norwich, to build a bridge over the Chenango river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to annex a part of the town of Westport to the town of Moriah," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to erect the town of North Norwich from the town of Norwich, in the county of Chenango," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act for the appraisal and payment of canal damages to George Tibbats," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act authorising the Canal Board to change or alter the mouth of the Erie basin, in the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act to facilitate the re-organization of all incorporated banks under the provisions of the act to authorise the business of banking, passed April 1838, and the acts amendatory thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

A message was received from the Assembly informing that they had receded from their amendments to the bill entitled, "An act to incorporate the Syracuse Savings Institution," in relation to the name of Joseph Slocum in the first section of said bill.

*Ordered*, That said bill be delivered to the Governor.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the following bills :

"An act to correct the tax books in the Comptroller's office and authorising extracts from records in his office to be taken therefrom and read as evidence," also

"An act to pay Joshua B. Van Deusen certain sums of money for fines, costs and expenses paid in consequence of taking Barney Hiers, an escaped convict," also

"An act to provide for the appointment and payment of a clerk or clerks in the office of the surrogate of the county of Kings."

*Ordered*, That said bills be returned to the Assembly.

By unanimous consent,

Mr. Cornwell introduced a bill entitled, "An act to amend the charter of the Buffalo and Niagara Falls Railroad Company," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cornwell,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs. Cornwell, Colt and Bush, be said committee.

And then the Senate adjourned till 10 o'clock to-morrow morning.

FRIDAY, 10 O'CLOCK A. M., MARCH 30, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Sprague.

The Journal of yesterday was read and approved.

Mr. Geddes presented the remonstrance of citizens of the county of Onondaga against the passage of the act to incorporate the Syracuse waterworks company.

On motion of Mr. Geddes,

*Resolved*, That the vote of the Senate passing said bill be reconsidered, and that it be referred to a select committee to report complete.

*Ordered*, That Messrs Geddes, S. H. P. Hall and Cornwell, be said committee.

Mr. Wilkin, from the committee on the judiciary, reported for the consideration of the Senate the bill from the Assembly entitled, "An act to continue in office the commissioners on practice and pleadings."

Mr. Geddes moved that the bill be now ordered to a third reading.

The President put the question upon agreeing to said motion, and it was decided in the negative.

On motion of Mr. Cook,

The vote rejecting the said motion of Mr. Geddes was reconsidered.

The question being on agreeing to the said motion of Mr. Geddes,

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fox	Mr. Hawley	
Mr. Brownson	Mr. Frost	Mr. Smith	
Mr. Cook	Mr. Geddes	Mr. Treadwell	
Mr. Cornwell	Mr. S. H. P. Hall	Mr. Whallon	
Mr. Floyd	Mr. W. Hall	Mr. Wilkin	15

#### FOR THE NEGATIVE.

Mr. Adams	Mr. Clark	Mr. Colt	
Mr. Bond	Mr. Coffin	Mr. Johnson	
Mr. Bush	Mr. Cole	Mr. Martin	9

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled "An act to prevent the manufacture and sale of slung shot," which was committed to the committee of the whole.

Mr. Clark, from the committee on claims reported adverse to the passage of the bill from the Assembly entitled "An act to provide for the appraisal and payment of canal damages to Surranus Britton, William Baldwin, Franklin R. Smith and Abraham Wigg," which was committed to the committee of the whole.

Mr. Frost, from the committee on commerce and navigation, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act to amend an act entitled 'An act for the protection of emigrants arriving in the State of New-York,'"

On motion of Mr. S. H. P. Hall,

Said bill was referred to the committee on finance.

Mr. Cornwell, from the select committee, reported complete the bill entitled "An act to amend the charter of the Buffalo and Niagara Falls Railroad Company."

*Ordered*, That said bill do have its third reading.

Mr. Martin, from the committee on canals, reported in favor of the passage of the bill from the Assembly entitled, "An act in relation to the canal debt falling due on the 1st day of July, 1849," which was committed to the committee of the whole.

Mr. Whallon, from the select committee, reported complete the bill entitled "An act to annex the town of Westport to the town of Mo-riah."

Mr. Colt, from the select committee, reported complete the bill entitled "An act to authorise the settlement of a claim of the trustees of the village of Canandaigua on the town of Canandaigua."

*Ordered*, That said bill do have its third reading.

Mr. Cook, from the select committee, reported complete the bill entitled "An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes."

*Ordered*, That said bill do have its third reading.

Mr. Martin, from the committee on canals, reported in favor of of the passage of the bill from the Assembly entitled, "An act authorising the Canal Board to change or alter the mouth of the Erie basin, in the city of Buffalo," which was committed to the committee of the whole.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
March 29, 1849.

To the SENATE,—

I have this day approved and signed a bill entitled, "An act for the relief of Lyman H. Phillips and Zebulon H. Moore."

HAMILTON FISH.

Mr. S. H. P. Hall, from the committee on engrossed bills, reported as correctly engrossed the following bills:

"An act prescribing the fire limits in the village of Newburgh." also

"An act authorising trustees, receivers and assignees, to become petitioning creditors under certain insolvent laws."

"An act to incorporate the proprietors of the Albany pier." also

"An act to amend the charter of the city of Syracuse." also

"An act for the purchase of tools and materials for the ordinary repairs of the canals." also

"An act for the relief of persons assessed for personal estate in several towns." also

"An act in relation to the Cayuga Indian annuities." also

"An act to amend an act entitled 'An act incorporating the University of the city of New-York, passed April 18, 1831,'" also

"An act to declare the public utility of a railroad from Whitehall to Plattsburgh." also

"An act to amend an act for the incorporation of Telegraph Companies." also

"An act to authorize the election of certain local officers in Orange, Chautauque, Cayuga, St Lawrence, Tioga and Dutchess."

The amendments of the Assembly to the bill entitled, "An act to amend the charter of the city of Troy, and to provide for the establishment of free schools therein," coming up for consideration,

The President put the question upon agreeing to said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, and three-

fifths of all the members elected to the Senate being present, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Brownson	Mr. Floyd	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Wilkin

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*Ordered*, That the clerk return said bill to the Assembly, informing them of the action of the Senate thereon.

Mr. Coffin, from the select committee of eight, reported the following bill as proper to be referred to a select committee to report complete :

"An act to amend an act incorporating the Fulton Academy, passed April 11, 1842."

*Ordered*, That Messrs Coffin, Floyd and Frost, be said committee.

A message was received from the Assembly informing that they had passed, with the amendments therewith delivered, the bill entitled, "An act to vest in the boards of supervisors certain legislative powers."

On motion of Mr. Geddes,

*Resolved*, That said bill be referred to a select committee of eight, consisting of one from each judicial district.

*Ordered*, That Messrs Geddes, Fine, Wilkin, Floyd, Frost, S. H. P. Hall, Hawley and Martin, be said committee.

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to regulate the police of the city of Troy."

On motion of Mr. Fine,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs Fine, Fox and Treadwell, be said committee.

The Senate then proceeded to consider the question on agreeing to the report of the committee of the whole on the bill entitled, "An act to provide for liquidating the claim of Horace Hotchkiss and William P. Smith against the agent of the Sing Sing State Prison."

The President put the question whether the Senate would agree to the report of said committee, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Bush	Mr. Cornwell
Mr. Betts	Mr. Coffin	Mr. Hawley

Mr. Bond	Mr. Cole	Mr. Johnson	
Mr. Brownson	Mr. Colt	Mr. Wilkin	12

## FOR THE NEGATIVE.

Mr. Clark	Mr. Geddes	Mr. Smith	
Mr. Cook	Mr. S. H. P. Hall	Mr. Treadwell	
Mr. Floyd	Mr. W. Hall	Mr. Whallon	
Mr. Frost	Mr. Martin		11

*Ordered*, That said bill do have its third reading.

A resolution was received from the Assembly in the words following, to wit :

**WHEREAS**, The citizens of the State of Massachusetts residing in the district of Boston in said state have, with the assent of the general court of Massachusetts, presented their petition to the Legislature of the State of New-York praying that the territory of Boston Corners may be annexed to and form a part of the State of New-York, and whereas the annexation of an intelligent, industrious and virtuous community cannot but be agreeable to any of the good people of this State, therefore

*Resolved*, (if the Senate concur,) That this Legislature does hereby express its assent to the annexation of the district of Boston Corners, in the Commonwealth of Massachusetts, to the State of New-York, and that so soon as the general court of Massachusetts shall express their assent to such annexation, the Governor of this State be directed and empowered, in conjunction with the authorities of the State of Massachusetts, to cause a proper and accurate survey of such territory to be made, and also to take such other measures as may be necessary to carry into full effect the object of this resolution, and communicate the same to the next Legislature at the commencement of the session.

*Resolved*, (if the Senate concur,) That the Governor transmit a copy of these resolutions to the Governor of the State of Massachusetts.

On motion of Mr. Bush,

Said resolution was referred to the committee on the judiciary.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act for the incorporation of insurance companies," and after some time spent thereon, Mr. Whallon, from said committee, reported in favor of the passage of the same without amendment.

On motion of Mr. Cook,

*Ordered*, That the question on agreeing to said report be laid on the table.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to declare the public use of a railroad from Lewiston to Niagara Falls," and after some time spent thereon, Mr. Whallon,

from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then took a recess until 4 o'clock P. M.

#### 4 O'CLOCK P. M.

The Senate again met.

The Senate then, in committee of the whole, proceeded to the consideration of the special order of the day, being the bill entitled, "An act to declare the public use of a railroad from Lewiston to Niagara Falls," and after some time spent thereon, Mr. Whallon, from said committee, reported in favor of the passage of the same without amendment.

The question being on agreeing with the report of the committee of the whole,

Mr. Bush moved to substitute for the said bill the following :

**AN ACT to compel the Lewiston and Jamestown and Lockport and Niagara Falls Railroad Companies to relay their rails with heavy rail from Niagara Falls to Lewiston.**

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows :*

§ 1. The Lockport and Niagara Falls Railroad Company and the Lewiston Railroad Company are hereby required to reconstruct the railroad between Niagara Falls and Lewiston, and lay down an iron rail thereon of the description required by the act entitled "An act for the formation of railroad companies," in such manner that locomotives propelled by steam shall be enabled to pass over the whole length of said road from Niagara Falls to Lewiston within eighteen months after the passage of this act, and in case either of the said companies shall fail to reconstruct or cause a reconstruction to be made of the portion of said road belonging to such company in the manner and within the time above provided, the charter of such company shall be forfeited.

§ 2. It shall be lawful for each of the companies aforesaid to increase their capital stock to such an amount as shall be necessary to cover the cost of reconstructing said railroad in the manner above specified, or to sell the said railroad to any new corporation which may be formed for the purpose of reconstructing said road, provided that a sufficient amount of capital stock in said new corporation to



reconstruct said railroad shall have been subscribed for and taken by responsible persons before such sale shall be perfected.

§ 3. The companies aforesaid or any new corporation which may be formed for the purpose of purchasing and reconstructing said railroad, shall have power to make such alterations in the line of said railroad as the directors of said companies shall fix upon and determine by resolution, and for that purpose said companies are respectively authorised to take and hold such real estate as may be necessary to make such alterations on paying the value thereof to the owner or owners, which value shall be ascertained, in case of disagreement, in the manner prescribed by the act incorporating the Lockport and Niagara Falls Railroad Company.

The President put the question upon agreeing to said substitute, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Brownson	Mr. Cook	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Coffin	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin
Mr. Colt	Mr. Johnson	

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FOR THE NEGATIVE.

Mr. Bond	Mr. Geddes	Mr. S. H. P. Hall
Mr. Cornwell		

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*Ordered*, That said bill be engrossed for a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act making appropriations for Clinton county prison," and after some time spent thereon, Mr. Brownson, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

By unanimous consent,

The bill from the Assembly entitled, "An act to incorporate the New-York and Havre Steam Navigation Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Johnson
Mr. Bond	Mr. Cook	Mr. Martin
Mr. Brownson	Mr. Cornwell	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cole	Mr. W. Hall	

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*Ordered*, That the Clerk return said bill to the Assembly, with a

message informing that the Senate have passed the same without amendment.

On motion of Mr. Cook,

*Resolved*, That the bill entitled, "An act to amend an act requiring compensation for causing death by wrongful act, neglect or default, passed December 13, 1847," be referred to a select committee to report complete.

*Ordered*, That Messrs Cook, Geddes and Frost, be said committee.

By unanimous consent,

Mr. Fox introduced a bill entitled, "An act in relation to the city of Troy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

The President laid before the Senate the following communication :

*Albany, March 30, 1849.*

To the Hon. the PRESIDENT OF THE SENATE :

*Of the State of New-York:*

SIR—Allow me to address through you to your honorable house the expression of my heartfelt gratitude for the powerful assistance ever bestowed upon my humble efforts in establishing a system of international exchanges between the civilized nations of the two hemispheres, and for the generous hospitality with which I have been received during my repeated visits to your glorious and mighty State.

The works I have the honor of presenting this time to the Legislature in the name of France, a list of which will be submitted by the trustees of the State Library to your honorable body, constitute but an earnest of the invaluable relations which national friendships establish. They will furnish materials by which the statesmen and citizens of each will appreciate and love each other.

For the purpose of giving uniformity and efficacy to the information so important to be communicated, permit me to ask through you from the appropriate sources, the following information in regard to the several senatorial districts of the State.

The pressure of public business consequent upon the near adjournment of the honorable the Legislature will of course preclude present action upon the above matters; but will it be asking too much for the members of your honorable body to engage themselves to collect all the practical information relative to these matters during the ensuing summer and communicate it to the Hon. the Secretary of State at Albany, to be embodied as a legislative document emanating from the present Legislature.

The following are the questions which I take the liberty of submitting :

1. The census of 1840, so far as the same shall be applicable to the county, corrected according to the opinion of its representative.

2. A geological description of each county, with its relative position as to points of local interest, of political or commercial importance.

3. The geology of the county, with the extent to which its minerals and metals are now, or may probably be worked, the thermal or mineral waters, with the extent to which they are, or probably may be resorted to.

4. The state of agriculture within the county; the area in acres, value of lands under the last public assessment, with an opinion whether the lands have or have not declined in value, the character of staple productions, with an opinion as to the capacity of the lands for the profitable production of staples other than those cultivated. The character of labor employed, with its cost and profit, including an estimate of the cost of investment, current charges and nett profits of agriculture within the county.

5. The state of commerce. The registered tonnage belonging to the county, value of imports and exports, with the charges upon internal, coastwise and foreign trade. The social condition of the county: showing from the reports of the Circuit Courts the number of prosecutions for offences, with any other statistics of a similar character, showing the state of public morality.

6. The state of religion within the county: the number of churches, proportions in which the several christian denominations co-exist, the probable amount of voluntary contributions to the support of the clergy, and to religious and charitable associations. The humane institutions within the county, with the particulars of their endowment and usefulness.

7. The state of education within the county: its system of public education, institutions of learning, and other facts connected with or appropriate to the subject.

To this hasty indication of the subjects of information important to foreign nations, may be added any other general or particular statements which may occur to those whose province it may be to reply. For the trouble imposed upon them, in addition to their public engagements, I have to make the apology, that in all measures of general and international philanthropy, many patriotic duties must be performed, the compensation for which is to be found in the general promotion of human happiness.

I would respectfully suggest, that each Senator should act as chairman of a committee formed of the members from the county or counties of his district, whose reports can be by him properly arranged and revised.

These, Mr. President, when printed as a legislative document, would form a most valuable and most important official Gazetteer of New-York, which would exhibit at once all the resources of your glorious Commonwealth.

Assured that such an appeal will find acquiescence in the sentiments of every patriotic bosom, I beg leave to subscribe myself, with profound respect,

Your very humble servant,

ALEXANDER VATTMARE

A message was received from the Assembly informing that they had passed, with the amendments therewith delivered, the bill entitled, "An act to amend the 133d section of the act entitled, 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State,' passed April 12, 1848."

Mr. Geddes moved that the Senate do concur in said amendments.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Bush	Mr. Fox	Mr. S. H. P. Hall	
Mr. Clark	Mr. Geddes	Mr. Smith	6

FOR THE NEGATIVE.

Mr. Betts	Mr. Cook	Mr. Johnson	
Mr. Coffin	Mr. Cornwell	Mr. Martin	
Mr. Cole	Mr. Frost	Mr. Wilkin	
Mr. Colt	Mr. W. Hall		11

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

A message was received from the Assembly, informing that they had passed, without amendment, the following bills :

"An act to amend an act entitled, 'An act to incorporate the city of Oswego,' passed March 24, 1848," also

"An act authorising the Canal Commissioners to build a bridge over the Erie canal in the village of Medina."

*Ordered,* That said bills be transmitted to the Governor.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the following bills :

"An act to amend the Revised Statutes in relation to summary proceedings to recover possession of land," also

"An act to amend the act concerning the district attorney of the county of Albany, passed February 21, 1840," also

"An act for the relief of Zebulon Moore," also

"An act to authorise the supervisors of Monroe county to purchase or build a surrogate's and county treasurer's office."

*Ordered,* That said bills be returned to the Assembly.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the trustees of the village of Oneida in the county of Madison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act concerning the salaries and compensation of the superintendents of the poor in the county of Kings," which was read the first time, and by unanimous consent was also read the second time,

and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the Gilboa Aqueduct Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the Canal Commissioners to settle with Hubbard Burdick for work on the Erie canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act concerning the library of the late court of chancery and the supreme court and for locating and increasing the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act authorising the construction of a farm bridge over the Chemung canal feeder," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act in relation to suits upon promissory notes and bills of exchange," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the mayor and common council of the city of Brooklyn to erect posts and other fixtures in the public streets of said city for lighting the same with gas," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act giving assent to the erection by the United States of a marine hospital at the old fort, military or parade ground at Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A resolution was received from the Assembly for concurrence, in the words following, to wit:

*Resolved*, (if the Senate concur,) That no new contracts shall be made for the geological survey of the State and its publication, until the special committee appointed by this House to investigate matters in relation thereto have made their report.

And then the Senate adjourned till 10 o'clock to morrow morning.

SATURDAY, 10 O'CLOCK A. M., MARCH 31, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Wyckoff.

The Journal of yesterday was read and approved.

Mr. S. H. P. Hall presented the remonstrance of 99 residents of the 10 townships, Chenango county, against a division of the town of Norwich, which was referred to the committee on the erection and division of towns and counties.

Mr. Fine presented a remonstrance of citizens of Milton against a division of said town, which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of a bill from the Assembly entitled, "An act to authorise the mayor and common council of the city of Brooklyn to erect posts or other fixtures in the public streets of said city for lighting the same with gas."

On motion of Mr. S. H. P. Hall,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs W. Hall, Whallon and Fox, be said committee.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill entitled, "An act concerning the salaries or compensation of the superintendents of the poor in the county of Kings," which was committed to the committee of the whole.

Mr. W. Hall, from the committee on the militia, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the act for the organization of the first division of the New-York State militia."

On motion of Mr. W. Hall,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs W. Hall, Smith and Frost, be said committee.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to incorporate the Gilboa Aqueduct Company."

On motion of Mr. Fox,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs Fox, Frost and Smith, be said committee.

Mr. Cook, from the select committee, reported complete the bill entitled, "An act to amend an act requiring compensation for causing death by wrongful act, neglect or default, passed December 13, 1847."

Mr. Fine moved to amend said report by making the limit of the penalty therein stated, ten thousand dollars instead of five.

The President put the question upon agreeing to said amendment, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. S. H. P. Hall	Mr. Johnson
Mr. Brownson	Mr. Hawley	Mr. Tamblin
Mr. Fine		

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FOR THE NEGATIVE.

Mr. Bond	Mr. Cornwell	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Smith
Mr. Clark	Mr. Geddes	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Cook		

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The report of the committee was then agreed to, and said bill ordered to a third reading.

Mr. Frost, from the committee on commerce and navigation, reported in favor of the passage of the bill from the Assembly entitled, "An act authorising the erection of docks in the 7th ward in the city of Brooklyn."

*Ordered,* That said bill be referred to a select committee consisting of Messrs Bokee, Frost and Smith, to report complete.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill entitled, "An act to amend an act entitled, 'An act more effectually to provide for common school education in the city and county of New-York,' passed May 7, 1844," which was committed to the committee of the whole.

Mr. Cornwell, from the select committee, reported complete the bill entitled, "An act to amend the charter of the Buffalo and Niagara Falls Railroad Company."

*Ordered,* That said bill do have its third reading.

Mr. Cornwell, from the committee on railroads, reported in favor of the passage of the bill from the Assembly entitled, "An act to declare the public use of a railroad from Lockport to Buffalo on the most direct and eligible route."

*Ordered,* That said bill be referred to a select committee consisting of Messrs Bush, Martin and Cole, to report complete.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act concerning the library of the late court of chancery and the supreme court, and for locating and increasing the same," which was committed to the committee of the whole.

Mr. Frost, from the committee on charitable and religious societies, reported in favor of the passage of the bill from the Assembly entitled, "An act making an appropriation for the support in part of certain incorporated orphan asylums in this State," which was committed to the committee of the whole.

Mr. Frost from the committee on charitable and religious societies, reported in favor of the passage of the bill from the Assembly entitled, "An act to incorporate the Albany City Hospital," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act in relation to suits upon promissory notes and bills of exchange," which was committed to the committee of the whole.

On motion of Mr. Clark,

*Resolved*, That the bill entitled, "An act in relation to the village of Hamilton," be referred to a select committee to report complete.

*Ordered*, That Messrs Bond, Fine and Treadwell, be said committee.

Mr. Clark, from the select committee, reported complete the bill entitled, "An act to authorise the town of Little Valley in the county of Cattaraugus to raise money for the relief of Lyman S. Pratt."

*Ordered*, That said bill do have its third reading.

Mr. Coffin, from the select committee of eight, appointed to select such bills as they thought proper to be referred to select committees to report complete, reported the following bills, which were severally referred to select committees, as follows :

"An act to amend the charter of the Coshocton Bridge Company," to Messrs Coffin, Smith and Johnson.

"An act to annex a part of the town of Rockland to the town of Liberty in the county of Sullivan," to Messrs Coffin, Smith and Johnson.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled "An act giving assent to the erection by the United States of a marine hospital at the old fort, military or parade ground at Oswego," which was committed to the committee of the whole.

On motion of Mr. Johnson,

The bill entitled, "An act to incorporate the Panama Railroad Company," was referred to the same committee of the whole having in charge the bill making appropriations to literary institutions.

Mr. Clark offered for the consideration of the Senate the following resolution :

*Resolved*, That the several cities and incorporated villages of the State be, and the same are hereby required, on or before the 12th day of September next, to report in writing, under oath of the mayors of cities and presidents of villages, if such an officer exist, if not of three of the chief officers of the several incorporated villages, to the Comptroller of this State, the full amount of the aggre-



gate indebtedness and liabilities of every kind, whether contingent or absolute, of such cities or incorporated villages as it existed on the first day of March, 1849, and also the several items and causes of indebtedness, and the dates thereof which constitute such aggregate; and also a full statement by items of the fees and expenses incident to the laying out, widening and altering streets and alleys, and constructing, altering and repairing sewers and drains in said cities and incorporated villages for the year preceding the first day of March, 1849.

On motion of Mr. Geddes,

The several orders of business were laid on the table until the order for the third reading of bills.

The bill entitled, "An act to continue in office the commissioners on practice and pleadings," was read a third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. S. H. P. Hall	Mr. Tamblin	
Mr. Fox	Mr. W. Hall	Mr. Whallon	
Mr. Frost	Mr. Hawley	Mr. Wilkin	
Mr. Geddes	Mr. Smith		12

**FOR THE NEGATIVE.**

Mr. Bond	Mr. Cole	Mr. Fuller	
Mr. Brownson	Mr. Colt	Mr. Johnson	
Mr. Clark	Mr. Cook	Mr. Martin	
Mr. Coffin	Mr. Cornwell		11

Mr. Geddes moved a reconsideration of said vote, and that the question thereon be laid on the table.

The President put the question upon agreeing to lay said motion on the table, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Clark	Mr. Geddes	Mr. Smith	
Mr. Cook	Mr. S. H. P. Hall	Mr. Whallon	
Mr. Frost	Mr. Hawley	Mr. Wilkin	9

**FOR THE NEGATIVE.**

Mr. Betts	Mr. Cole	Mr. Fuller	
Mr. Bond	Mr. Colt	Mr. Johnson	
Mr. Brownson	Mr. Cornwell	Mr. Martin	
Mr. Bush	Mr. Fox		11

The question then being on agreeing to reconsider said vote,

The President put the question on agreeing thereto, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. S. H. P. Hall	Mr. Smith
Mr. Cook	Mr. W. Hall	Mr. Whallon
Mr. Frost	Mr. Hawley	Mr. Wilkin
Mr. Geddes		

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FOR THE NEGATIVE.

Mr. Bond	Mr. Coffin	Mr. Fox
Mr. Brownson	Mr. Cole	Mr. Fuller
Mr. Bush	Mr. Colt	Mr. Johnson
Mr. Clark	Mr. Cornwell	Mr. Martin

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The bill from the Assembly entitled "An act granting certain lands under water in Phillipstown, Putnam county, to Frederick Phillipse and others," was read the third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Johnson
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Smith
Mr. Clark	Mr. Fuller	Mr. Tamblin
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt		

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

On motion of Mr. Bush,

The several orders of business were laid upon the table until the order of presentation of petitions was reached.

Mr. Smith presented a petition for a revision of the highway act, which was referred to the committee on roads and bridges,

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill entitled, "An act to authorise the sale of certain real estate held in trust under the will of Joseph Weld, deceased."

On motion of Mr. Fine,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Messrs Fine, Cook and Treadwell, be said committee

Mr. Smith asked for and obtained leave to introduce a bill entitled, "An act in relation to certain highways," which was read the

first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Fine, from the committee on railroads, reported in favor of the passage of the bill entitled, "An act to declare the public use of a railroad from some eligible point in the Saratoga and Washington railroad to Plattsburgh."

*Ordered*, That said bill be referred to a select committee consisting of Messrs Fine, Cook and Clark, to report complete.

Mr. Martin, from the committee on canals, reported in favor of the passage of the following bills from the Assembly, which were severally committed to the committee of the whole, viz :

"An act in relation to the Cayuga and Seneca canal," also

"An act in relation to claims upon the Canal Fund, and expenses not provided for," also

"An act authorising the canal board to lengthen the locks on the Erie canal between Syracuse and Rochester."

On motion of Mr. Martin,

*Ordered*, That said bills be made the special order for Monday, April 2, immediately after the reading of the journal.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act appropriating the revenues of the United States Deposit and Literature funds," and after some time spent thereon, Mr. Smith, from said committee, reported in favor of the passage of the same with an amendment restoring that section which makes an appropriation to St. John's college at Fordham of \$2,500.

The President put the question upon agreeing to said report, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. Fuller
Mr. Bond	Mr. Cornwell	Mr. W. Hall
Mr. Brownson	Mr. Fine	Mr. Johnson
Mr. Coffin	Mr. Fox	Mr. Smith
Mr. Cole	Mr. Frost	Mr. Tamblin
		15

#### FOR THE NEGATIVE.

Mr. Bush	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. Martin	Mr. Wilkin
		6

*Ordered*, That said bill do have its third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act for the relief of St. Lawrence Academy, and to increase the number of its trustees," and after some time spent thereon, Mr. Smith, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled,

"An act for the incorporation of the Panama Railroad Company," and after some time spent thereon, Mr. Smith, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The following messages were received from the Governor :

EXECUTIVE CHAMBER, }  
March 30, 1849. }

To the SENATE,—

I have this day approved and signed the following bills:

"An act in relation to insurances on property in this State made by individuals and associations unauthorised by law," also

"An act to provide for the publication of certain documents relating to the colonial history of the State," also

"An act to incorporate the Syracuse Savings Institution," also

"An act authorising the Canal Commissioners to build a bridge across the Erie canal in the village of Medina."

HAMILTON FISH.

EXECUTIVE CHAMBER, }  
March 31, 1849. }

TO THE SENATE,—

I have this day approved and signed the following bills:

"An act to amend an act entitled, 'An act to incorporate the city of Oswego,' passed March 24, 1848," also

"An act for the relief of Zebulon Moore."

HAMILTON FISH.

Mr. Bokee, from the select committee, reported complete the bill entitled, "An act authorising the erection of docks in the 7th ward in the city of Brooklyn."

*Ordered*, That said bill do have its third reading.

On motion of Mr. S. H. P. Hall,

*Ordered*, That the bill entitled, "An act authorising the Comptroller to receive the returns of certain unpaid taxes on non-resident lands in the county of Cortland for the year 1846," be re-committed to the committee on the judiciary.

On motion of Mr. Bush,

The bill entitled, "An act making an appropriation to the Buffalo Hospital of the sisters of charity," was made the special order for Thursday the 5th day of April, at 12 M.

On motion of Mr. Geddes,

*Resolved*, That the Senate will on Monday, at 7 P. M., commence to hold evening sessions for the consideration of private claims and private bills, and the said sessions shall continue until otherwise ordered.

On motion of Mr. Frost,

The bill in relation to wharfage at the pier in the city of Albany, was made the special order for Wednesday the 4th of April, at 12 M.

Mr. Coffin, from the select committee, reported complete the bill entitled, "An act to amend an act entitled, 'An act to incorporate the Fulton Academy,' passed April 11, 1842."

*Ordered,* That said bill do have its third reading.

Mr. Geddes, from the select committee of eight, reported in favor of concurring in the amendments of the Assembly to the bill entitled, "An act to vest additional powers in the boards of supervisors."

The President then put the question upon agreeing to said report, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fox	Mr. Johnson
Mr. Brownson	Mr. Frost	Mr. Martin
Mr. Coffin	Mr. Fuller	Mr. Smith
Mr. Colt	Mr. Geddes	Mr. Tamblin
Mr. Cook	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cornwell	Mr. W. Hall	Mr. Wilkin
Mr. Fine	Mr. Hawley	

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments thereto.

On motion of Mr. Cornwell,

The Senate then proceeded to the consideration of the question on agreeing with the report of the committee of the whole on the bill entitled, "An act to declare the public use of a railroad from the city of Syracuse to the city of Rochester on the most direct and eligible route."

Pending the question thereon,

The Senate adjourned till Monday morning at 10 o'clock.

MONDAY, 10, O'CLOCK A. M., APRIL 2, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Waggoner.

The Journal of Saturday was read and approved.

Mr. Fine, from the committee on railroads, reported complete the bill entitled, "An act to declare the public use of a railroad from some eligible point in the Saratoga and Washington railroad to Plattsburgh."

*Ordered,* That said bill do have its third reading.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill entitled, "An act in relation to the city of Troy."

On motion of Mr. Coffin,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act to incorporate the village of Potsdam, passed March 3, 1831," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act in relation to the trustees of the village of Oneida in the county of Madison," which was committed to the committee of the whole.

The bill entitled, "An act to incorporate the Syracuse Waterworks Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Coffin	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Brownson	Mr. Fuller	Mr. Whallon
Mr. Burch	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Clark	Mr. Hawley	

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*Ordered*, That said bill be delivered to the Governor.

By unanimous consent,

Mr. Clark, from the committee on claims, to which was referred a petition for that purpose, reported a bill entitled, "An act for the relief of Helena R. Kearney, administratrix of the estate of the late Charles McKnight," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill entitled, "An act in relation to certain highways in the town of Somers and North Salem in the county of Westchester."

On motion of Mr. Smith,

*Ordered*, That said bill be engrossed for a third reading.

Mr. Smith, from the select committee, reported complete the bill entitled, "An act to amend the 35th section of the general plank road law so far as it affects the county of Sullivan."

*Ordered*, That said bill do have its third reading.

Mr. Whallon, from the select committee, reported complete the bill entitled, "An act to authorise the mayor and common council of the city of Brooklyn to erect posts or other fixtures in the public streets of the said city for lighting the same with gas."

*Ordered,* That said bill do have its third reading.

Mr. Coffin, from select committee, reported complete the bill entitled, "An act to amend the charter of the Coshocton Bridge Company."

*Ordered,* That said bill do have its third reading.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act relating to the street called Navy street in the fifth ward of the city of Brooklyn," which was committed to the committee of the whole.

Mr. Bond, from the select committee, reported complete the bill entitled, "An act in relation to the village of Hamilton."

*Ordered,* That said bill do have its third reading.

Mr. Coffin, from the select committee, reported complete the bill entitled, "An act to annex a part of the town of Rockland to the town of Liberty in the county of Sullivan."

*Ordered,* That said bill do have its third reading.

Mr. Johnson, from the committee on Indian affairs, to which was referred a petition for that purpose, reported a bill entitled, "An act for the benefit of the Indians and adopting them as citizens," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

The bill from the Assembly entitled, "An act to provide for the collection of the unpaid taxes for the year 1848 in the town of Coshocton," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Coffin	Mr. Johnson
Mr. Bokee	Mr. Cole	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Brownson	Mr. Fox	Mr. Tamblin
Mr. Burch	Mr. Fuller	Mr. Whallon
Mr. Bush	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Clark	Mr. Hawley	

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

On motion of Mr. Brownson, and by unanimous consent,

The bill from the Assembly entitled, "An act to authorise the inhabitants of school district No. 5 in the town of Attica, county of Wyoming, and town of Alexander, county of Genesee, to raise money," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Coffin	Mr. Johnson
Mr. Bokee	Mr. Cole	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Brownson	Mr. Fox	Mr. Tamblin
Mr. Burch	Mr. Fuller	Mr. Whallon
Mr. Bush	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Clark	Mr. Hawley	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the inhabitants of joint school district No. 5 in the town of Attica, county of Wyoming, and the town of Alexander, county of Genesee, to raise money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act to pay Jenny Doxtater and Sophia Denny, Indian women, for their interest in Oneida lands," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

A bill was received from the Assembly for concurrence entitled, "An act for the appraisal and payment of canal damages to John H. Babcock, Leander Fox and others," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the collection of unpaid taxes for the year 1848, in the town of Cohecton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the appraisal and payment of canal damages to Luke P. Babcock, Charles C. Elliott and others," which was read the first time and, by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to abolish the office of county superintendent of the poor in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the re-appraisal and payment of canal damages to James Folts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.



A message was received from the Assembly, informing that they had passed, without amendment, the following bill :

“An act in relation to the arsenal in the city of New-York.”

*Ordered*, That said bills be transmitted to the Governor.

A message was received from the Assembly informing that they have concurred in the amendments of the Senate to the bill entitled, “An act to prevent the throwing of offal and other filthy substances in the streets of the city of New-York,” and amended the same accordingly.

A bill was received from the Assembly for concurrence entitled, “An act for the payment to William Turner, late health commissioner, of the amount in arrears and due to him for official services,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, “An act to repeal the act incorporating the village of Ovid, in the county of Seneca,” passed April 17, 1816, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, “An act for the relief of certain purchasers of lands in the Oneida reservation, in 1840 and 1841,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

A bill was received from the Assembly for concurrence entitled, “An act to authorise Nezhiah Bliss and others to erect and maintain docks in the town of Bushwick in the county of Kings,” which was read the first time, and by unanimous consent was also read the second time and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, “An act to confirm the official acts of Jacob Van Keuren, a commissioner of highways,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, “An act to release the interest of the State in certain lands of which David Darrah died possessed, to Susan Darrah, his wife,” and amended the bill accordingly.

A message was received from the Assembly, informing that they do insist on their amendment to the bill entitled “An act to amend the 133d section of the act entitled ‘An act to simplify and abridge the Practice, Pleadings and Proceedings in the courts of this State,’ passed April 12, 1848.”

On motion of Mr. Wilkin,

*Ordered*, That the Senate insist on its vote of non-concurrence, in the said amendment, and request a committee of conference to

consist of three from the Senate, and three from the Assembly, and that Messrs Wilkin, Fuller and Smith, be such committee on the part of the Senate.

A message was received from the Assembly informing that they had receded from their amendments, and had concurred in the amendments made by the Senate to the amendments made by them to the bill entitled, "An act to vest in the boards of supervisors, certain legislative powers, and to prescribe their fees for certain services."

*Ordered*, That said bill be transmitted to the Governor.

The Senate, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to settle the claim of the Canal Fund upon the General Fund according to the provisions of the Constitution," and after some time spent thereon, Mr. Bokee, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill do have its third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act in relation to Erie canal enlargement," and after some time spent thereon, Mr. Bokee, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill do have its third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order of the day, being the bill entitled, "An act in relation to the Cayuga and Seneca canal," and after some time spent thereon, Mr. Burch, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act authorising the Canal Board to lengthen the locks on the Erie canal between Syracuse and Rochester," and after some time spent thereon, Mr. Burch, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act in relation to the Black River canal," and after some time spent thereon, Mr. Smith, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act appropriating money to the Genessee Valley canal," and after some time spent thereon, Mr. Smith, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act in relation to the canal debt falling due July 1, 1849," and

after some time spent thereon, Mr. Bush, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act in relation to the claims upon the Canal Fund and expenses not provided for," and after some time spent thereon, Mr. Bush, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act in relation to the Genesee Valley canal," and after some time spent thereon, Mr. Whallon, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act in relation to the Oswego canal," and after some time spent thereon, Mr. Whallon, from said committee, reported in favor of the passage the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to amend an act providing for the improvement of Conesus and other lakes or either of them as reservoirs to supply the Genesee Valley canal and Erie canal with water," and after some time spent thereon, Mr. Fine, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act in relation to the canal debt and the maintenance of the canals for the fiscal year commencing October 1, 1849," and after some time spent thereon, Mr. Fine, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act reappropriating certain moneys to the Black River canal and Erie canal feeder," and after some time spent thereon, Mr. Coffin, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act in relation to the Oneida river improvement," and after some time spent thereon, Mr. Coffin, from said committee, reported in favor of the passage of the same without amendment, which report was agreed and the said bill ordered to a third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to amend an act entitled, 'An act in relation to the funds appropriated for the canals,' passed April 10 1848," and after some time spent thereon, Mr. Bond, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to the lock in the Crooked Lake canal," and after some time spent thereon, Mr. Bond, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act in relation to debts due for damages on the canals prior to June 1, 1841," and after some time spent thereon, Mr. Cole, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act authorising the Canal Board to change and alter the mouth of Erie basin at Buffalo," and after some time spent thereon, Mr. Cole, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

On motion of Mr. Wilkin,

*Resolved*, That His Excellency the Governor be requested to return to the Senate the bill to provide for the government of the alms house and penitentiary departments in the city of New-York.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
March 31, 1849.

To the SENATE,—

I have this day approved and signed a bill entitled, "An act to amend and consolidate the several acts relating to the city of Utica."

HAMILTON FISH.

And then the presentation of petitions and remonstrances was had.

Mr. Burch presented the petition of trustees of school district No. 2, in the town of Schuyler, for a law to enable them to secure the title to a new lot for a school house, which was read and referred to the committee on the judiciary.

Mr. Fox presented the remonstrance of several citizens of the Eastern Union turnpike, against the repeal of their charter, which was read and referred to the committee on roads and bridges.

A resolution was received from the Assembly for concurrence, in the words following, to wit :

*Resolved*, (if the Senate concur,) That fifteen copies of the Laws, Journals and Documents of the State of New-York, be placed at the

disposal of the Regents of the University for International Exchanges, out of the 25 copies which are to be offered for sale by the Secretary of State, according to the provisions of the "Act concerning the Journals and Documents of the Legislature," passed May 12, 1847.

*Resolved*, That the Senate do concur in said resolution.

On motion of Mr. Bokee,

*Resolved*, That the Senate do proceed immediately after the reading of the Journal to morrow morning, to the third reading of bills.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage with amendments, of the bill from the Assembly entitled "An act to appoint commissioners to lay out a road in the towns of Gravesend, New Utrecht and Flatbush," which was committed to the committee of the whole.

Mr. Bush, from the committee on commerce and navigation, reported in favor of the passage of the bill from the Assembly entitled "An act to authorise Nezhiah Bliss and others to erect and maintain docks in the town of Bushwick, in the county of Kings," which was committed to the committee of the whole.

By unanimous consent,

Mr. Wilkin presented the memorial of John Brush, in relation to the militia law, which was read and referred to the committee on the militia.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled "An act authorising the Comptroller to receive the returns of certain unpaid taxes on non-resident lands in the county of Cortland, for the year 1846," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled "An act to confirm the official acts of Jacob Van Keuren, a commissioner of highways," which was committed to the committee of the whole.

Mr. Tamblin, from the committee on the internal affairs of towns and counties reported in favor of the passage of the bill from the Assembly entitled "An act for the payment to William Turner, late health commissioner, of the amount in arrears, and due him for official services."

*Ordered*, That said bill do have its third reading.

Mr. Tamblin, from the committee on the internal affairs of towns and counties, reported in favor of the passage, of the bill from the Assembly entitled "An act to abolish the office of county superintendent of the poor in the county of Albany."

*Ordered*, That said bill do have its third reading.

Mr. Martin, from the committee on canals, reported in favor of the passage of bill from the Assembly entitled "An act to authorise the Canal Commissioners to settle with flubbard Burdick for work on the Erie canal," which was committed to the committee of the whole.

The Governor, in compliance with a resolution of the Senate, sent to the Senate the bill entitled "An act to provide for the go-

vernment of the alms house and penitentiary of the city and county of New-York."

*Ordered*, That the said bill be referred to the committee on the judiciary.

*Ordered*, That leave of absence be granted to Mr. Geddes for four days.

The Senate then proceeded to the consideration of the following resolution, heretofore offered by Mr. Clark :

*Resolved*, That the several cities and incorporated villages in this State, be and they are hereby required, on or before the thirtieth day of September next, to report in writing, under oath, of the mayor of cities and (presidents, if such an office exists,) if not, then of the chief officer of the several incorporated villages, to the Comptroller of this State, the full amount of the aggregate indebtedness and liabilities of every kind, whether contingent or absolute, of such city or incorporated village, as it existed on the first day of May, 1849; and also the several items and causes of indebtedness, and the dates thereof, which constituted such aggregate; and also a full statement by items, of the fees and expenses incident to the laying out, widening, and altering streets and alleys, and constructing, altering and repairing sewers and drains in said city and incorporated villages for the year preceding the first day of March, 1849.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to pay Zacheus P. Gillett for damages sustained by the failure of title to lands patented by the State," and after some time spent thereon, Mr. Betts, from said committee, reported progress, and asked for and obtained leave to sit again.

*Resolved*, (if the Assembly concur,) That the thanks of this Legislature be presented to the Honorable Arphaxed Loomis, David D. Field and David Graham, late commissioners on the practice, pleadings and proceedings of the courts of justice of this state, for the ability and industry with which they have performed the duties assigned them.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the appointment of referees in the city of New-York," and after some time spent thereon, Mr. Betts, from said committee, reported in favor of the passage of the same without amendment.

The question being on agreeing to the report of the committee of the whole,

Pending the question,

The Senate took a recess until 4 o'clock P. M.

4 O'CLOCK P. M.

The Senate again met.

A quorum of Senators not being in attendance,

On motion of Mr. Martin,

A call of the House was ordered, and the doors closed.

When the doors were opened.

*Ordered*, That Mr. Johnson have leave of absence for one day.

And then the Senate adjourned till 10 o'clock to-morrow morning.

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## TUESDAY, 10 O'CLOCK A. M., APRIL 3, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Clapp.

The Journal of yesterday was read and approved.

Mr. Cornwell presented a petition for an amendment of the charter of the city of Auburn in relation to schools, which was read and referred to the committee on literature.

By unanimous consent,

Mr. Cornwell introduced a bill entitled "An act to amend the charter of the city of Auburn," passed April, 1848, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the appraisal and payment of canal damages to David Van Alstine," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the Fifth Brigade of the Militia of the State of New-York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia and public defence.

A bill was received from the Assembly for concurrence entitled, "An act for the establishment of a work house for employment of persons committed to the city prisons and alms house in the city of New-York," which was read the first time, and by unanimous consent was also read the second time.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the appraisal and payment of certain canal damages to Jacob Chamberlain," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act entitled, 'An act to alter the charter of the village of Rome,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled,

"An act to authorise and direct the surrogate of the city and county of New-York to admit to probate and record the last will and testament of William H. Taylor, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to create the Croton Aqueduct Department in the city of New-York," which was read the first time, and by unanimous consent was also read the second time.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the appraisal and payment of canal damages to Davidson Moshier," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act authorising the Canal Commissioners to cancel a contract with Silas Ball," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act to establish free schools in the village of Sing Sing," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act to amend the charter of the Nautilus Insurance Company of the city of New-York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

A bill was received from the Assembly for concurrence entitled, "An act for the appraisal and payment of canal damages to Merritt H. Brown and others," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act for the relief of the heirs and personal representatives of John L. Bigelow, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act authorising the appraisal and payment of canal damages to Calvin P. Richardson and others," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the trustees of the first Baptist Church in the town of Pittsford to sell and convey their parsonage house and lot," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act authorising the appraisal and payment of canal damages



to John Copeland," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act further to extend the time for the payment of moneys loaned by the Commissioners of loans and loan officers to citizens of this state," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

A bill was received from the Assembly for concurrence entitled, "An act for the relief of the Indian owners of lot No. 3, Oneida purchase of 1842," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

A bill was received from the Assembly for concurrence entitled, "An act to amend the charter of the Fallsburgh and Liberty Turnpike Road Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the appointment of brigade inspectors, and prescribing their duties and compensation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

A message was received from the Assembly, informing that they do consent to the appointment of a committee of conference on the matters in difference between the two houses, on the bill entitled "An act to amend the 133d section of the act entitled 'An act to simplify and abridge the Practice, Pleadings and Proceedings of the courts of this State, passed April 12, 1848,'" and that Messrs Noble, Bagley and Johnson, be said committee.

The bill from the Assembly entitled "An act prescribing the fire limits in the village of Newburgh," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE:

Mr. Betts	Mr. Cole	Mr. W. Hall
Mr. Bokee	Mr. Colt	Mr. Hawley
Mr. Bond	Mr. Cornwell	Mr. Martin
Mr. Burch	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Whallon
Mr. Clark	Mr. Frost	Mr. Wilkin
Mr. Coffin	Mr. Fuller	

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to authorise the election of local officers to discharge the duties of county judge and surrogate, in the coun-

ties of St. Lawrence, Tioga, Broome, Jefferson, Dutchess and Cayuga, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. W. Hall
Mr. Bokee	Mr. Colt	Mr. Hawley
Mr. Bond	Mr. Cornwell	Mr. Lawrence
Mr. Burch	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Wilkin
Mr. Coffin	Mr. Fuller	

20

## FOR THE NEGATIVE.

Mr. Smith

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to declare the public utility of a railroad from Whitehall to Plattsburgh," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Lawrence
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Cole		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The following message was received from the Governor:

EXECUTIVE CHAMBER, }  
April 2, 1849. }

To the SENATE,—

I have this day approved and signed the following bill:

"An act in relation to the State Arsenal in the city of New-York."

HAMILTON FISH.

The bill entitled "An act to incorporate the proprietors of the Albany pier," was read the third time and passed, a majority of all

the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. Cole	Mr. W. Hall
Mr. Bokee	Mr. Colt	Mr. Hawley
Mr. Bond	Mr. Cornwell	Mr. Martin
Mr. Burch	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Wilkin
		18

**FOR THE NEGATIVE.**

Mr. Clark	Mr. Whallon	2
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The engrossed bill from the Assembly entitled "An act to authorize the mayor and common council of Brooklyn to erect posts and other fixtures in the streets, for the purpose of lighting said city with gas," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. Cole	Mr. Hawley
Mr. Bokee	Mr. Colt	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Clark	Mr. Fuller	Mr. Wilkin
Mr. Coffin	Mr. W. Hall	20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The engrossed bill entitled "An act to amend the charter of the Buffalo and Niagara Falls Railroad Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin		

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend the charter of the city of Syracuse," was read the third time.

The president put the question whether said bill should pass, and the vote was as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Coffin	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Smith
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Burch	Mr. Fox	Mr. Whallon
Mr. Clark	Mr. Fuller	

14

## FOR THE NEGATIVE.

Mr. Hawley	Mr. Martin	2
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A quorum not being in attendance on taking the vote,

On motion of Mr. Martin,

*Ordered*, That a call of the Senate be now had ; and the doors were closed.

When the doors were opened

The bill entitled "An act in relation to the village of Hamilton," was read the third time, and the vote was as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Lawrence
Mr. Bokee	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Burch	Mr. Frost	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. Hawley	Mr. Wilkin
Mr. Colt		

19

Mr. Martin moved a call of the house.

The President put the question upon agreeing to said motion, and it was decided in the negative.

The engrossed bill entitled "An act to amend the charter of the city of Syracuse," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. Fuller
Mr. Bokee	Mr. Cornwell	Mr. W. Hall
Mr. Bond	Mr. Fine	Mr. Lawrence
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Coffin		

## FOR THE NEGATIVE.

Mr. Clark	Mr. Hawley	Mr. Smith	6
Mr. Colt	Mr. Martin	Mr. Wilkin	

On motion of Mr. Smith,  
*Ordered*, That said vote be reconsidered.

On motion of Mr. Smith,  
*Ordered*, That said bill be laid on the table.

The engrossed bill entitled "An act in relation to the village of Hamilton," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. Hawley	20
Mr. Bokee	Mr. Colt	Mr. Lawrence	
Mr. Bond	Mr. Cornwell	Mr. Martin	
Mr. Burch	Mr. Fine	Mr. Smith	
Mr. Bush	Mr. Frost	Mr. Tamblin	
Mr. Clark	Mr. Fuller	Mr. Whallon	
Mr. Coffin	Mr. W. Hall		

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The engrossed bill entitled "An act authorising trustees, receivers, and assignees to become petitioning creditors under certain insolvent laws," was read a third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Lawrence	16
Mr. Bokee	Mr. Fine	Mr. Smith	
Mr. Bush	Mr. Fox	Mr. Tamblin	
Mr. Clark	Mr. Frost	Mr. Whallon	
Mr. Coffin	Mr. W. Hall	Mr. Wilkin	
Mr. Cole			

## FOR THE NEGATIVE.

Mr. Bond	Mr. Cornwell	Mr. Hawley	6
Mr. Burch	Mr. Fuller	Mr. Martin	

On motion of Mr. Smith,  
*Ordered*, That said vote be reconsidered.

On motion of Mr. Smith,  
*Ordered*, That said bill be laid on the table.

The engrossed bill entitled "An act to amend an act entitled 'An

act for the regulation and formation of Telegraph Companies, passed April 12, 1848," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Smith
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Bush	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Wilkin
Mr. Cole	Mr. Fuller	

17

## FOR THE NEGATIVE.

Mr. Martin

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

By unanimous consent,

Mr. Cornwell, from the committee on finance, introduced a bill entitled "An act to amend certain acts concerning passengers coming to the city of New-York," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

On motion of Mr. Cornwell,

*Ordered*, That this bill be made the special order of the day for Thursday afternoon at 4 o'clock.

The president laid before the Senate a communication from the Secretary of State, transmitting a statement of the amount of fees received by the several county clerks and register of the city of New-York.

On motion of Mr. Smith,

*Ordered*, That twice the usual number of copies of said report be printed.

The bill entitled "An act to amend the act for the more effectual prevention of fires in the city of New-York, and to amend the acts heretofore passed for that purpose," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Lawrence
Mr. Bokee	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Coffin	Mr. W. Hall	Mr. Whallon
Mr. Cole	Mr. Hawley	Mr. Wilkin
Mr. Colt		

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act re-appropriating the revenues of the Literature and United States Deposit Fund," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. W. Hall
Mr. Bokee	Mr. Fine	Mr. Hawley
Mr. Bond	Mr. Fox	Mr. Lawrence
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole		

16

FOR THE NEGATIVE.

Mr. Burch	Mr. Martin	Mr. Whallon
Mr. Clark	Mr. Smith	Mr. Wilkin
Mr. Colt		

7

On motion of Mr. Wilkin,  
The Senate reconsidered their vote negating said bill.

On motion of Mr. Martin,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Mr. Bond, Mr. Hawley and Wilkin be said committee.

Mr. S. H. P. Hall, from the select committee, reported complete the bill entitled "An act to amend an act for the organization of the first division of the New-York state militia."

*Ordered*, That said bill do have its third reading.

Mr. Bush, from the committee on engrossed bills, reported as correctly engrossed the following bills :

"An act in relation to certain highways in the towns of North Salem and Somers in the county of Westchester."

"An act in relation to gas light fixtures in the city of Troy."

*Ordered*, That said bills do have their third reading.

Mr. Fuller, from the committee on canals, reported in favor of the passage of the bill entitled "An act to equalize the tolls upon the transportation of foreign salt and that manufactured in this State."

On motion of Mr. Colt,

*Ordered*, That this bill be made the special order for Thursday, the fifth day of April, at 11 A. M.

On motion of Mr. Fine,

*Ordered*, That the bill to declare the public use of a railway from Troy to the east line of the state, be made the special order for Wednesday the fourth day of April, at 12 M.

A bill was received from the Assembly for concurrence entitled,

"An act to authorise the town of Lyme to build a bridge over Chaumont river and to borrow money for that purpose," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the East Hamburgh Turnpike Road Company to alter the construction of their road and to increase their capital stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the building of a free bridge across the Mohawk river between the towns of St. Johnsville and Minden," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to authorise the Schoharie Turnpike Road Company to abandon a part of their road," passed February 14, 1849, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the towns of Brownville and Houndsfield to raise money to build a bridge across the Black River," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the payment of the balance due from the state to Wm. Logan, Wm. Barron and Wm. Stewart for the construction of the lock at Fort Miller on the Champlain canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act authorising the appraisal and payment of canal damages to Sarah McKinster and others," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act for the relief of Peter McEntee and Ellen Gillespie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the appraisal and payment of canal damages to Charles Ehle," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act for the relief of John Stewart, William Logan, Robert McBeth and William S. Shuler," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.



The bill from the Assembly entitled, "An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Smith
Mr. Bokee	Mr. Fox	Mr. Tamblin
Mr. Burch	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin
Mr. Colt	Mr. Lawrence	

17

## FOR THE NEGATIVE.

Mr. Bush	Mr. Hawley	Mr. Martin
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the surrogate of the city and county of New-York to admit to probate and record the last will and testament of William H. Taylor, deceased," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported for the consideration of the Senate the bill from the Assembly entitled "An act for the relief of the heirs and personal representatives of John L. Bigelow, deceased," which was committed to the committee of the whole.

The bill entitled "An act to incorporate the Williamsburgh Ferry Company," coming up for its third reading,

On motion of Mr. W. Hall,

*Ordered*, That said bill be recommitted to a select committee consisting of the Senators from the first and second judicial districts.

The bill entitled, "An act to incorporate the Roekton Hydraulic Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Bond	Mr. Frost	Mr. Smith
Mr. Burch	Mr. Fuller	Mr. Treadwell
Mr. Bush	Mr. W. Hall	Mr. Whallon
Mr. Clark	Mr. Hawley	Mr. Wilkin
Mr. Colt		

19

## FOR THE NEGATIVE.

Mr. Coffin	Mr. Cole
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled "An act authorising the erection of docks in the seventh ward of the city of Brooklyn," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Lawrence
Mr. Bokee	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Burch	Mr. Frost	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin
		21

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend an act to authorise the formation of the Niagara Falls Suspension Bridge House Company," passed April 10, 1848, was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Lawrence
Mr. Bond	Mr. Fine	Mr. Treadwell
Mr. Coffin	Mr. Fox	Mr. Whallon
Mr. Cole	Mr. Frost	Mr. Wilkin
Mr. Colt	Mr. Fuller	
		14

FOR THE NEGATIVE.

Mr. Bond	Mr. Martin	Mr. Tamblin
Mr. Hawley	Mr. Smith	
		5

On motion of Mr. Cornwell,

*Ordered*, That said vote be reconsidered.

The bill entitled "An act to amend an act entitled 'An act incorporating the University of the city of New-York, passed April 18, 1831,'" was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Martin
Mr. Bokke	Mr. Cornwell	Mr. Smith
Mr. Bond	Mr. Fox	Mr. Tamblin
Mr. Burch	Mr. Frost	Mr. Treadwell
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Clark	Mr. W. Hall	Mr. Wilkin
Mr. Cole	Mr. Lawrence	

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act authorising the Canal Board to change or alter the mouth of the Erie basin, in the city of Buffalo," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Lawrence
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. Fuller	Mr. Wilkin
Mr. Cole	Mr. W. Hall	

20

## FOR THE NEGATIVE.

Mr. Clark	Mr. Smith	2
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*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill entitled "An act making appropriations for Clinton Prison," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Lawrence.
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin

21

## FOR THE NEGATIVE.

Mr. Smith	1
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*Ordered*, That the clerk return said bill to the Assembly and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to amend the charter of the Williamsburgh Fire Insurance Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Lawrence
Mr. Bokee	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Cole	Mr. Hawley	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to provide for supplying the city of Brooklyn with water for the extinguishment of fires, and for the use of its inhabitants," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Lawrence
Mr. Bokee	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Cole	Mr. Hawley	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend the act entitled 'An act in relation to the business of Mutual Insurance Companies,'" was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. Lawrence
Mr. Bokee	Mr. Cornwell	Mr. Smith
Mr. Bond	Mr. Fox	Mr. Tamblin
Mr. Burch	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin

18

## FOR THE NEGATIVE.

Mr. Bush	Mr. Hawley	Mr. Martin
Mr. Colt		

*Ordered*, That the Clerk deliver the said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act for the relief of persons assessed for personal estate in several towns," was read a third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Bush	Mr. Colt
Mr. Bokee	Mr. Clark	Mr. Lawrence
Mr. Bond	Mr. Cole	Mr. Wilkin
Mr. Burch		

10

FOR THE NEGATIVE.

Mr. Coffin	Mr. Fuller	Mr. Smith
Mr. Cornwell	Mr. W. Hall	Mr. Treadwell
Mr. Fox	Mr. Hawley	Mr. Whallon
Mr. Frost	Mr. Martin	

11

*Ordered*, That the vote on said bill be reconsidered and that the bill be laid on the table.

The engrossed bill from the Assembly entitled "An act to annex a part of the town of Rockland to the town of Liberty in the county of Sullivan," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. Lawrence
Mr. Bokee	Mr. Colt	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Burch	Mr. Fox	Mr. Treadwell
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Clark	Mr. Fuller	Mr. Wilkin
Mr. Coffin	Mr. W. Hall	

20

FOR THE NEGATIVE.

Mr. Cornwell	Mr. Smith
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2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to abolish the office of county superintendent of the poor in the county of Albany," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Lawrence
Mr. Bokee	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Cole	Mr. Hawley	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend an act to incorporate the Buffalo Savings Bank," passed May 9, 1846, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Lawrence
Mr. Bokee	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Fuller	Mr. Treadwell
Mr. Clark	Mr. W. Hall	Mr. Whallon
Mr. Coffin	Mr. Hawley	Mr. Wilkin
Mr. Cole		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend an act in relation to the keeping of gunpowder, saltpetre and certain other substances in the city of New-York," passed May 13, 1846, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Lawrence
Mr. Bokee	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Cole	Mr. Hawley	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorise the settlement of a claim of the trustees of the village of Canandaigua on the town of Canandaigua," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. Lawrence
Mr. Bokee	Mr. Colt	Mr. Martin
Mr. Bond	Mr. Cornwell	Mr. Smith
Mr. Burch	Mr. Frost	Mr. Tamblin
Mr. Bush	Mr. Fuller	Mr. Treadwell
Mr. Clark	Mr. W. Hall	Mr. Whallon
Mr. Coffin	Mr. Hawley	Mr. Wilkin
		21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act for the payment of William Turner, late health commissioner, of the amount in arrears and due to him for his official services," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Lawrence
Mr. Burch	Mr. Fox	Mr. Treadwell
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. Fuller	Mr. Wilkin
Mr. Cole		
		19

## FOR THE NEGATIVE.

Mr. Martin	Mr. Smith	2
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorise the town of Little Valley, in the county of Cattaraugus, to raise money for the relief of Lyman S. Pratt," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Lawrence
Mr. Bokee	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Cole	Mr. Hawley	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The engrossed bill entitled, "An act to provide for the government of the alms house and penitentiary departments in the city of New-York," having been received from the Governor, in pursuance of a resolution of the Senate, the vote of the Senate on the passage of said bill was reconsidered.

By unanimous consent,

Mr. Wilkin, from the committee on the judiciary, reported said bill with amendments.

The President put the question upon agreeing to said amendments, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Lawrence
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Burch	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Cole		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate.

The bill from the Assembly entitled, "An act to revive the powers of the Hedding Society of the first Methodist Episcopal Church in the town of Cayuta, county of Chemung," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Lawrence
Mr. Bokee	Mr. Cornwell	Mr. Martin
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Burch	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Whallon



Mr. Coffin  
Mr. Cole

Mr. W. Hall  
Mr. Hawley

Mr. Wilkin

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to protect the woodlands in Suffolk county against destruction by fire," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts  
Mr. Bush  
Mr. Clark  
Mr. Colt

Mr. Fine  
Mr. Hawley  
Mr. Lawrence  
Mr. Martin

Mr. Smith  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

12

FOR THE NEGATIVE.

Mr. Bokee  
Mr. Burch  
Mr. Coffin  
Mr. Cole

Mr. Cornwell  
Mr. Fox  
Mr. Frost

Mr. Fuller  
Mr. W. Hall  
Mr. Tamblin

10

*Ordered*, That the question to reconsider be laid on the table.

A bill was received from the Assembly for concurrence entitled, "An act to pay Henry Crandall certain canal damages, if any, to be awarded by the Canal Appraisers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act authorising the Canal Board to hear and determine the claim of Nicholas Schuyler for work done on the Erie canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act for the appraisal and payment of canal damages to Whiting Tuttle, Peter Edwin and A. G. Willard," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the appraisal and payment of canal damages to William P. Mansfield," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the Watertown Waterworks Company," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled,

"An act to enable the supervisors of the city and county of New-York to raise money by tax," which was read the first time, and by unanimous consent was also read the second time, and referred to a select committee consisting of Senators from the 3d, 4th, 5th and 6th districts.

A message was received from the Assembly, informing that they had passed, without amendment, the following bill:

"An act to amend an act entitled 'An act in relation to the city of Troy,' passed January 28, 1848."

*Ordered*, That said bill be transmitted to the Governor.

By unanimous consent,

Mr. Fox introduced a bill entitled, "An act to incorporate the Albany and Sand Lake plank road company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Senate took a recess until 4 o'clock P. M.

#### 4 O'CLOCK P. M.

The Senate again met.

There not being a quorum of Senators in attendance, a call of the Senate was ordered, and some time time proceeded with, with closed doors.

When the doors were opened.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to amend a certain act concerning passengers coming to the city of New-York," and after some time spent thereon, Mr. Colt, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then took a recess until 7 P. M.

#### 7 O'CLOCK P. M.

The Senate again met.

By unanimous consent,

Mr. Wilkin introduced a bill entitled "An act to preserve the evidence of summary proceedings to recover the possession of land," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to authorise the appraisal and payment of canal damages to John E. Van Epps," and after some time spent thereon, Mr. Martin from said committee, reported that they had struck out the enacting clause of the bill, and the Senate agreed to the report.

*Ordered*, That said bill be rejected.

The Senate then resolved itself into a committee of the whole on

the bill entitled "An act to authorise the appraisal and payment of canal damages to John King," and after some time spent thereon, Mr. Martin, from said committee, reported in favor of the passage of the same without amendment.

On motion of Mr. Cole,

*Ordered*, That the question of agreeing with the report of the committee of the whole be laid on the table.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to provide for the appraisal and payment of canal damages to Cicero Collins," and after some time spent thereon, Mr. Colt, from said committee, reported that the committee had stricken out the enacting clause of said bill, which report was agreed to.

*Ordered*, That said bill be rejected.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to pay Zacheus P. Gillett for damages sustained by the failure of title to lands patented by this State," and after some time spent thereon, Mr. Colt, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill do have its third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to repeal two certain acts for the benefit and relief of Francis Englishbee," and after some time spent thereon, Mr. Fuller, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to effectuate letters patent heretofore issued to Mary Englishbee," and after some time spent thereon, Mr. Fuller, from said committee, reported progress, and asked for and obtained leave to sit again.

And then the Senate adjourned till 10 o'clock to-morrow morning.

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WEDNESDAY, 10 O'CLOCK A. M., APRIL 4, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Sands.

The Journal of yesterday was read and approved.

Mr. Adams presented the remonstrance of several inhabitants of the county of Ulster, against the passage of the bill relating to the equalization of the assessments and correction of assessment rolls for said county, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Fox presented the petition of the president and directors of the Eastern turnpike, for an act to allow them to sell their road, and

for the formation of a plank road company, which was read and referred to the committee on roads and bridges.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled "An act for the removal of the Hallenbake burial ground, situate in the city of Albany," which was committed to the committee of the whole.

Mr. Frost from the committee on charitable and religious societies, reported adverse to the passage of the bill from the Assembly entitled "An act to authorise the trustees of the First Baptist Church in the town of Pittsford, to sell and convey their parsonage house and lot," which was committed to the committee of the whole.

Mr. Treadwell, from the committee on roads and bridges, reported adverse to the passage of the bill from the Assembly entitled "An act to authorise the towns of Brownsville and Houndsfield to raise money to build a bridge across the Black river," which was committed to the committee of the whole.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled "An act to amend the act entitled 'An act to alter the charter of the village of Rome,' which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties reported in favor of the passage of the bill from the Assembly entitled "An act for the establishment of a work-house for the employment of persons committed to the city prison and almshouse in the city of New-York," which was committed to the committee of the whole.

Mr. Fuller, from the committee on canals, reported adverse to the memorial of the common council of Syracuse, for the construction of a bridge across the Erie canal at Townsend-street, which report was agreed to.

*Resolved*, That the prayer of the petitioners be denied.

Mr. Martin, from the committee on canals, reported adversely to the bill from the Assembly entitled, "An act authorising the construction of a farm bridge over the Chemung canal feeder," which was committed to the committee of the whole.

Mr. Colt, from the committee on finance, reported in favor of the passage of the bill from the Assembly entitled, "An act for the relief of certain purchasers of lands on the Oneida reservation in 1840 and 1841," which was committed to the committee of the whole.

Mr. Lawrence, from the committee on finance, reported in favor of the passage of the bill from the Assembly entitled "An act further to extend the time for the payment of moneys loaned by the commissioners of loans and loan officers to citizens of this state," which was committed to the committee of the whole.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the charter of the Fallsburgh and Liberty Turnpike

Road Company," which was committed to the committee of the whole.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to authorise the East Hamburg Turnpike Road Company to alter the construction of their road and to increase their capital stock," which was committed to the committee of the whole.

Mr. Coffin, from the select committee of eight, appointed to select such bills as they thought proper to be referred to select committees to report complete, reported the following bills, which were severally referred to select committees, as follows :

"An act requiring steamboats or vessels driven or propelled by steam to carry small boats for the protection of life in case of accident," to Messrs Frost, Betts and Wilkin.

"An act in relation to the collection of fines and forfeitures in the county of Monroe and the duties of certain officers in relation thereto," to Messrs Fuller, Hawley and Bush.

"An act to amend an act entitled 'An act to consolidate and amend the acts to incorporate the city of Rochester,' passed April 28, 1834, and the several acts amendatory thereof, passed April 11, 1844," to Messrs Fuller, Bokee and Betts.

"An act to renew and amend the act granting lands under water to the Hudson and Berkshire Railroad Company," to Messrs Coffin, Treadwell and Adams.

"An act to abolish the mayor's court in the city of Rochester," to Messrs Fuller, Cole and Clark.

"An act to continue in force and incorporate an association for the relief of respectable indigent females in the city of New-York," passed March 10, 1835, to Messrs Frost, Betts and Coffin.

"An act to amend the charter of the Nautilus Insurance Company in the city of New-York," to Messrs Smith, Bokee and Betts.

"An act to appoint commissioners to lay out a road in the towns of Gravesend, New Utrecht and Flatbush," to Messrs Bokee, Smith and Treadwell.

"An act to incorporate the Newfane Centre burial ground association," to Messrs Frost, Colt and Hawley.

"An act to confirm the official acts of Jacob Van Keuren, a commissioner of highways," to Messrs Wilkin, Fox and Adams.

"An act to authorise the settlement of the claims of this state against the bail of the late county treasurer of the county of Onondaga," to Messrs Fine, Geddes and Bond.

"An act to erect the town of Richmondville in the county of Schoharie," to Messrs Treadwell, Betts and Fox.

"An act to authorise Nezhiah Bliss and others to erect and maintain docks in the town of Bushwick, county of Kings," to Messrs Bokee, Frost and Hawley.

"An act to prevent the manufacture, use and sale of slung shot," to Messrs W. Hall, Frost and Adams.

A message was received from the Assembly, informing that they had passed, without amendment, the following bill :

"An act to enforce the responsibilities of stockholders in certain

banking corporations and associations, as prescribed by the constitution, and to provide for the prompt payment of demands against such corporations and associations."

*Ordered*, That said bill be transmitted to the Governor.

A bill was received from the Assembly for concurrence entitled, "An act for the relief of Charles B. Carpenter, a purchaser of certain lands in the Oneida purchase in 1830 and 1834," which was read the first time, and by unanimous consent was also read the second time.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the appraisal and payment of damages to the roads of Moreau," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to amend the charter of the Watertown and Rome Railroad company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A bill was received from the Assembly for concurrence entitled, "An act to provide for laying out and constructing the Warren and Hamilton county road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A message was received from the Assembly informing that they have concurred in the amendments of the Senate to the bill entitled, "An act to alter and settle the east line of the town of North Hudson, Essex county," and had amended the same accordingly.

Mr. Fuller, from the select committee, reported complete the bill entitled "An act in relation to the collection of fines and forfeitures in the county of Monroe, and the duties of certain officers in relation thereto."

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Frost, from the select committee, reported complete the bill entitled "An act requiring steamboats or vessels driven or propelled by steam, to carry small boats for the protection of life in case of accident."

*Ordered*, That said bill be engrossed for a third reading.

Mr. Frost, from the select committee, reported complete the bill entitled "An act to continue in force and incorporate an association for the relief of respectable indigent females, in the city of New-York," passed March 10, 1815.

*Ordered*, That said bill be engrossed for a third reading.

The bill from the Assembly entitled, "An act to pay Zacheus P. Gillett for damages sustained by the failure of title to land patented by the state," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Lawrence
Mr. Betts	Mr. Cornwell	Mr. Martin
Mr. Bokee	Mr. Fine	Mr. Smith
Mr. Bond	Mr. Fox	Mr. Tamblin
Mr. Burch	Mr. Frost	Mr. Treadwell
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Cole	Mr. Hawley	

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Wilkin, from the committee of conference on the matters in difference between the two Houses on the bill entitled, "An act to amend the 133d section of the act entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this state,' passed April 12, 1848," reported sundry amendments to said bill.

The President put the question upon agreeing to said report, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Fox	Mr. Lawrence
Mr. Bond	Mr. Frost	Mr. Martin
Mr. Coffin	Mr. Fuller	Mr. Tamblin
Mr. Cole	Mr. W. Hall	Mr. Wilkin

18

## FOR THE NEGATIVE.

Mr. Clark

1

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them of the action of the Senate on said bill.

The bill entitled, "An act in relation to certain highways in the towns of North Somers and Salem in Westchester county," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Cole		

19

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message was received from the Assembly informing that they had passed, with the amendments therewith delivered, the bill entitled "An act in relation to plank roads."

*Ordered*, That said bill and amendments be referred to the committee on roads and bridges.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled "An act to establish free schools in the village of Sing Sing."

On motion of Mr. Smith,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Mr. Smith, Mr. Bokee and Mr. Bond be said committee.

Mr. Fox, from the committee on the erection and division of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to erect the town of North Norwich from the town of Norwich, in the county of Chenango," which was committed to the committee of the whole.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill entitled "An act to amend an act entitled, 'An act to incorporate the city of Auburn,' passed March 21, 1848."

On motion of Mr. Cornwell,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Mr. Cornwell, Mr. Hawley and Mr. Fox be said committee.

Mr. W. Hall, from the select committee consisting of the Senators from the 3d, 4th, 5th and 6th districts, reported in favor of the passage of the bill from the Assembly entitled, "An act to enable the supervisors of the city and county of New-York to raise money by tax," which was committed to the committee of the whole.

Mr. W. Hall, from the select committee consisting of the Senators from the 3d, 4th, 5th and 6th districts, reported in favor of the passage of the bill from the Assembly entitled, "An act to create the Croton Aqueduct Department in the city of New-York," which was committed to the committee of the whole.

Mr. Bokee, from the select committee, reported complete the bill entitled, "An act to authorise Nezhiah Bliss and others to erect and maintain docks in the town of Bushwick, county of Kings."

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage, of the bill from the Assembly entitled, "An act concerning the library of the late court of chancery and the Supreme court, and for locating and increasing the same," which was committed the committee of the whole.

Mr. W. Hall, from the select committee, reported complete the bill entitled, "An act to prevent the manufacture, use and sale of slung shot."

*Ordered*, That said bill do have its third reading.



Mr. Bokee, from the select committee, reported complete the bill entitled, "An act to appoint commissioners to lay out a road in the towns of Gravesend, New Utrecht and Flatbush."

*Ordered*, That said bill do have its third reading.

Mr. Fine, from the select committee, reported complete the bill entitled, "An act to regulate the police of the city of Troy."

*Ordered*, That said bill do have its third reading.

Mr. Treadwell, from the committee on roads and bridges, reported in favor of the passage of the bill entitled, "An act to allow the president and directors of the Eastern turnpike to sell a part, or all their road, to form a plank road company from Albany to Sandlake, under the act passed May 7, 1847," which was committed to the committee of the whole.

On motion of Mr. Fine,

The committee of the whole were discharged from the further consideration of the bill entitled "An act to amend an act to provide for the construction of a railroad from the navigable waters of the Great Western Lakes, to Lake Champlain," passed May 14, 1845."

*Ordered*, That said bills do have their third reading.

Mr. Frost, from the select committee, reported complete the bill entitled "An act to incorporate the Newfane Centre Burial Ground Association."

*Ordered*, That said bill do have its third reading.

Mr. Smith, from the select committee, reported complete the bill entitled "An act to declare the public use of a railroad from Lockport to Buffalo on the most eligible route."

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the select committee, reported complete the bill entitled "An act to confirm the official acts of Jacob Van Keuren, a commissioner of highways."

*Ordered*, That said bill do have its third reading.

On motion of Mr. Cornwell,

The committee of the whole were discharged from the further consideration of the bill entitled "An act to declare the public use of a railroad from Syracuse to Rochester."

*Ordered*, That said bill do have its third reading.

On motion of Mr. Smith,

The Senate reconsidered their vote on the bill entitled "An act to amend an act to incorporate the Buffalo Savings Bank," passed May 9, 1846.

The said bill having been amended, it was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Bush

Mr. Colt  
Mr. Cornwell  
Mr. Fine  
Mr. Fox  
Mr. Frost

Mr. Johnson  
Mr. Lawrence  
Mr. Martin  
Mr. Smith  
Mr. Tamblin

Mr. Coffin  
Mr. Cole

Mr. Fuller  
Mr. W. Hall

Mr. Whallon

20

FOR THE NEGATIVE.

Mr. Hawley

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to incorporate the Panama Railroad Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Bush  
Mr. Coffin  
Mr. Cole

Mr. Colt  
Mr. Cornwell  
Mr. Fine  
Mr. Fox  
Mr. Frost  
Mr. Fuller

Mr. W. Hall  
Mr. Johnson  
Mr. Lawrence  
Mr. Martin  
Mr. Tamblin  
Mr. Whallon

19

FOR THE NEGATIVE.

Mr. Hawley

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act for the organization of the first division of the New-York State militia," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Bush  
Mr. Clark  
Mr. Cole  
Mr. Colt

Mr. Cornwell  
Mr. Fine  
Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. W Hall  
Mr. Hawley  
Mr. Johnson

Mr. Lawrence  
Mr. Martin  
Mr. Smith  
Mr. Tamblin  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

23

FOR THE NEGATIVE.

Mr. Coffin

1

*Ordered*, That the Clerk return said bill to the Assembly, with a

message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act reappropriating money to the Genesee Valley canal," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Smith
Mr. Coffin	Mr. Fuller	Mr. Tamblin
Mr. Cole	Mr. W. Hall	Mr. Treadwell
Mr. Colt	Mr. Hawley	Mr. Whallon
		21

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend an act authorising the Canal Board to lengthen the locks on the Erie canal between Syracuse and Rochester," was the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	
		20

FOR THE NEGATIVE.

Mr. Smith	1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act in relation to the Oswego canal," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Smith
Mr. Coffin	Mr. Fuller	Mr. Tamblin
Mr. Cole	Mr. W. Hall	Mr. Treadwell
Mr. Colt	Mr. Hawley	Mr. Whallon
		21

*Ordered,* That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act in relation to the Erie canal enlargement," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Lawrence
Mr. Betts	Mr. Fine	Mr. Martin
Mr. Bokee	Mr. Fox	Mr. Smith
Mr. Bond	Mr. Frost	Mr. Tamblin
Mr. Bush	Mr. Fuller	Mr. Treadwell
Mr. Coffin	Mr. W. Hall	Mr. Whallon
Mr. Cole	Mr. Hawley	Mr. Wilkin
Mr. Colt	Mr. Johnson	
		23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act in relation to the Genesee Valley canal," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Bond	Mr. Frost	Mr. Smith
Mr. Bush	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin
Mr. Cornwell	Mr. Johnson	
		20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to settle the claims of the Canal Fund upon the General Fund according to the provisions of the Constitution," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Bokee	Mr. Cornwell	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Wilkin
		18

## FOR THE NEGATIVE.

Mr. Betts	Mr. Smith	Mr. Whallon
Mr. Hawley		
		4

*Ordered,* That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act in relation to claims upon the Canal Fund and expenses not provided for," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Bond	Mr. Frost	Mr. Tamblin
Mr. Bush	Mr. Fuller	Mr. Treadwell
Mr. Coffin	Mr. W. Hall	Mr. Whallon
Mr. Cole	Mr. Hawley	Mr. Wilkin
Mr. Colt	Mr. Johnson	
		20

## FOR THE NEGATIVE.

Mr. Smith	1
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*Ordered,* That the clerk return said bill to the Assembly and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the act entitled, 'An act in relation to the funds appropriated for the canals,' passed April 10, 1848," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin
		21

## FOR THE NEGATIVE.

Mr. Smith	1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend an act providing for the improvement of Conesus and other lakes, or either of them, as reservoirs to supply the Genesee Valley and Erie canal with water," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Whallon
		18

## FOR THE NEGATIVE.

Mr. Johnson	Mr. Smith	2
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act in relation to debts due for damages on the canals prior to June 1, 1846," was read the third time and passed, a majority of all the members elected to Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Fox	Mr. Lawrence

Mr. Bush  
Mr. Coffin  
Mr. Cole  
Mr. Colt

Mr. Frost  
Mr. Fuller  
Mr. W. Hall

Mr. Martin  
Mr. Tamblin  
Mr. Whallon

19

## FOR THE NEGATIVE.

Mr. Smith

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the charter of the Nautilus Insurance Company for the city of New-York," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Clark  
Mr. Coffin  
Mr. Cole  
Mr. Colt

Mr. Cornwell  
Mr. Fine  
Mr. Fox  
Mr. Fuller  
Mr. W. Hall  
Mr. Hawley  
Mr. Johnson

Mr. Lawrence ]  
Mr. Martin  
Mr. Smith  
Mr. Tamblin  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The engrossed bill from the Assembly entitled "An act to amend the charter of the Watertown and Rome Railroad Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Bush  
Mr. Coffin  
Mr. Colt

Mr. Cornwell  
Mr. Fine  
Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. W. Hall  
Mr. Hawley

Mr. Johnson  
Mr. Lawrence  
Mr. Martin  
Mr. Smith  
Mr. Tamblin  
Mr. Whallon

20

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act in relation to gas light fixtures in the city of Troy," was read the third time and passed, a majority of all the members elected to the Senate voting in

favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Betts	Mr. Cornwell	Mr. Lawrence
Mr. Bokee	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Fuller	Mr. Tamblin
Mr. Coffin	Mr. W. Hall	Mr. Whallon
Mr. Cole	Mr. Hawley	

20

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act in relation to the Oneida river improvement," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Bond	Mr. Fuller	Mr. Tamblin
Mr. Coffin	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	

17

## FOR THE NEGATIVE.

Mr. Bush	Mr. Cole	Mr. Smith
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3

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act in relation to the Black River canal and Erie canal feeder," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Bond	Mr. Frost	Mr. Smith
Mr. Bush	Mr. Fuller	Mr. Tamblin
Mr. Coffin	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	



## FOR THE NEGATIVE.

Mr. Cole

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act in relation to the canal debt, and maintenance of the canals for the fiscal year commencing October 1, 1849," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley	
Mr. Betts	Mr. Cornwell	Mr. Johnson	
Mr. Bokee	Mr. Fine	Mr. Lawrence	
Mr. Bond	Mr. Fox	Mr. Martin	
Mr. Bush	Mr. Frost	Mr. Smith	
Mr. Coffin	Mr. Fuller	Mr. Tamblin	
Mr. Cole	Mr. W. Hall	Mr. Whallon	21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act in relation to the locks on the Crooked Lake canal," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley	
Mr. Betts	Mr. Cornwell	Mr. Johnson	
Mr. Bokee	Mr. Fine	Mr. Lawrence	
Mr. Bond	Mr. Fox	Mr. Martin	
Mr. Bush	Mr. Frost	Mr. Tamblin	
Mr. Coffin	Mr. Fuller	Mr. Treadwell	
Mr. Cole	Mr. W. Hall	Mr. Whallon	21

## FOR THE NEGATIVE.

Mr. Smith

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act in relation to the Cayuga and Seneca canal," was read the third time and passed, a

majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Smith
Mr. Coffin	Mr. Fuller	Mr. Tamblin
Mr. Cole	Mr. W. Hall	Mr. Treadwell
Mr. Colt	Mr. Hawley	Mr. Whallon

21

*Ordered,* That the clerk return said bill to the Assembly and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act in relation to the Black River canal," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Bond	Mr. Frost	Mr. Smith
Mr. Bush	Mr. Fuller	Mr. Tamblin
Mr. Coffin	Mr. W. Hall	Mr. Treadwell
Mr. Cole	Mr. Hawley	Mr. Whallon
Mr. Colt		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A message was received from the Assembly informing that they have concurred in the amendments of the Senate to the bill entitled, "An act to provide for the government of the departments of the alms house and penitentiary in the city of New-York."

*Ordered,* That said bill be transmitted to the Governor.

The bill from the Assembly entitled, "An act in relation to the canal debt falling due on the 1st July 1849," was read the third time and passed a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson

Mr. Boker	Mr. Fine	Mr. Lawrence	
Mr. Bond	Mr. Fox	Mr. Martin	
Mr. Bush	Mr. Frost	Mr. Tamblin	
Mr. Coffin	Mr. Fuller	Mr. Treadwell	
Mr. Cole	Mr. W. Hall	Mr. Whallon	21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

On motion of Mr. Hawley,

*Ordered*, That the bill entitled "An act to declare the public utility of a railroad from Troy to the state line of Vermont," be referred to a select committee to report complete.

*Ordered*, That Mr. Hawley, Mr. Fox and Mr. Whallon be said committee.

The bill from the Assembly entitled, "An act to amend the charter of the Cocheton bridge company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Lawrence	
Mr. Betts	Mr. Fox	Mr. Martin	
Mr. Bond	Mr. Frost	Mr. Smith	
Mr. Bush	Mr. Fuller	Mr. Tamblin	
Mr. Clark	Mr. W. Hall	Mr. Treadwell	
Mr. Coffin	Mr. Hawley	Mr. Whallon	
Mr. Colt	Mr. Johnson	Mr. Wilkin	
Mr. Cornwell			22

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to amend certain acts concerning passengers coming to the city of New-York," and after some time spent thereon, Mr. Colt, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

On motion of Mr. Fuller,

*Resolved*, That the bill to incorporate the academy of the Sacred Heart, be referred to the same committee of the whole having in charge the bill making an appropriation to the Buffalo Hospital of the sisters of charity.

A message was received from the Assembly, informing that they had passed, without amendment, the following bill :

"An act in relation to the expenses in excavating the basin, and the tolls thereon, at the eastern termination of the Erie and Champlain canals."

*Ordered*, That said bill be delivered to the Governor. by Google

A bill was received from the Assembly for concurrence entitled, "An act to preserve a fair competition between the Albany and Schenectady Railroad Company and the Schenectady and Troy Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The Senate then took a recess until 4 o'clock P. M.

#### 4 O'CLOCK P. M.

The Senate again met.

Mr. Wilkin, from the select committee, reported complete, with amendments, the bill entitled "An act appropriating the revenues of the United States Deposit and Literature Funds.

*Ordered*, That said bill do have its third reading.

Mr. Hawley, from the select committee, reported complete the bill entitled, "An act to declare the public utility of a railroad from Troy to the state line of Vermont."

On motion of Mr. Whallon,

*Ordered*, That the question on agreeing with the report of the committee be laid on the table.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to consolidate and amend the act to incorporate the city of Rochester," passed May 11, 1844," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Fuller,

*Ordered*, That said bill do have its third reading.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the court of appeals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the New-York and Liverpool United States Mail Steamship Company," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the trustees of the first Presbyterian Church in the town of Bolton to sell or remove their old meeting house," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled, 'An act to incorporate the Middletown and Delhi Turnpike Company,' passed May 14, 1840," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act in relation to the prices of wharfage hereafter to be charged for vessels landing at the pier, on the east side of the city of Albany," and after some time spent thereon, Mr. Fox, from said committee, reported in favor of the passage of the same without amendment.

Mr. Treadwell moved to amend the report of the committee of the whole, by re-inserting the third section of the bill.

The President put the question upon agreeing to said motion, and it was decided in the negative.

And then the question of agreeing to the report of the committee of the whole, was laid on the table.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to provide for the appraisal and payment of canal damages to Surranus Brittain, William Baldwin, Franklin B. Smith and Abraham Wigg," and after some time spent thereon, Mr. Cornwell, from said committee, reported that they had struck out the enacting clause of the bill, and the Senate agreed to the report.

*Ordered*, That the question of reconsidering said vote be laid on the table.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to pay James R. Clark certain expenses in defending a libel suit, while in the employ of the State," and after some time spent thereon, Mr. Cornwell from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate took a recess until 7 o'clock P. M.

7 O'CLOCK P. M.

The Senate again met.

The Senate then again resolved itself into a committee of the whole on the bill entitled "An act to pay James R. Clark certain expenses in defending a libel suit, while in the employ of the State," after some time spent thereon, Mr. Cornwell, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill do have its third reading.

Mr. Fine, from the select committee, reported complete the bill entitled "An act to authorise the sale of certain real estate held in trust under the will of Joseph Weld, deceased."

*Ordered*, That said bill do have its third reading.

The Senate then again resolved itself into a committee of the whole on the bill entitled "An act to repeal two certain acts for the benefit and relief of Francis Englishbee," and after some time spent thereon, Mr. Fuller, from said committee, reported in favor of the passage of the same without amendment.

*Ordered*, That said bill do have its third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to effectuate certain letters patent heretofore issued to Mary Englishbee," and after some time spent thereon

Mr. Fuller, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the Commissioners of the Land Office to sell a portion of the state prison farm in Westchester, sufficient for the purposes of a cemetery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

On motion of Mr. Smith,

*Ordered*, That the resolutions this day introduced by Mr. Wilkin relative to an amendment of the Constitution, be printed.

A bill was received from the Assembly for concurrence entitled, "An act authorising the appraisal and payment of canal damages to Nicholas Hill," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to pay Jane Mandeville certain canal damages awarded to her by the Canal Appraisers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to erect the town of Cape Vincent, in Jefferson county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act entitled 'An act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the villages of Cohoes and Fultonville,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to release the estate of David Burt from the payment of a judgment held by the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled 'An act in relation to the marine court of the city of New-York,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Johnson,

*Ordered*, That said bill do have its third reading.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the Mariner's Family Industrial Society of the port of New-York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to regulate the sale of keg oysters," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act concerning school district number eight in the towns of Harmon and Sheridan," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act relative to unclaimed bank dividends and deposits, passed May 9, 1835, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

A bill was received from the Assembly for concurrence entitled, "An act to enable Mary McNulty and Jane Caughlin to take hold and convey certain real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on judiciary.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the payment of interest on canal damages to John C. Van Alstine," and after some time spent thereon, Mr. Wilkin, from said committee, reported that the committee had stricken out the enacting clause of said bill, which report was agreed to.

*Ordered,* That said bill be rejected.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act for the relief of Helena R. Kearney, administratrix of the estate of the late Charles McKnight," and after some time spent thereon, Mr. Wilkin, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to settle and pay the claims of William W. Niles for the destruction of his property on Long Island Farms," and after some time spent thereon, Mr. Bush, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise the appraisal and payment of canal damages to Mary Murray and others," and after some time spent thereon, Mr. Bush, from said committee, reported in favor of the passage of the same without amendment.

*Ordered,* That the question on agreeing to said report be laid on the table.

And then the Senate adjourned till 10 o'clock to morrow morning.

THURSDAY, 10 O'CLOCK A. M., APRIL 5, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Barry.

The Journal of yesterday was read and approved.

Mr. Adams presented the remonstrance of sundry citizens of Ulster, against the bill relating to the equalization of assessments and the correction of assessment rolls, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Fox presented the petition of sundry citizens of Stephentown, for a law to prohibit the sale of intoxicating drinks, which was read and referred to a select committee.

Mr. Smith presented the resolutions of the annual town meeting of Brookhaven, affidavit of Lester H. Davis, and other remonstrances against the division of the town of Brookhaven, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Floyd presented three several remonstrances, against any division of the town of Brookhaven, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Martin, from the committee on canals, reported adverse to the passage of the bill from the Assembly entitled "An act authorising the Canal Commissioners to cancel a contract with Silas Ball," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act in relation to the court of appeals," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to provide for the sale of lands for taxes hereafter assessed in the counties where such lands are situated," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported for the consideration of the Senate the bill entitled "An act for the relief of Peter McEntee and Ellen Gillespie," which was committed to the committee of the whole.

Mr. Geddes, from the committee on roads and bridges, reported in favor of the amendments of the Assembly to the bill entitled, "An act in relation to plank roads."

The President put the question upon agreeing to said amendments, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee

Mr. Cornwell  
Mr. Fine  
Mr. Floyd

Mr. Hawley  
Mr. Lawrence  
Mr. Martin



Mr. Bond  
Mr. Clark  
Mr. Coffin  
Mr. Colt  
Mr. Cook

Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. Geddes  
Mr. W. Hall

Mr. Smith  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments thereto.

Mr. Lawrence, from the committee on finance, reported adverse to the passage of the bill from the Assembly entitled, "An act to release the estate of David Burt from the payment of a judgment held by the state," which was committed to the committee of the whole.

Mr. Lawrence, from the committee on finance, reported in favor of the passage of the bill from the Assembly entitled, "An act for the relief of Charles B. Carpenter, a purchaser of certain lands in the Oneida purchase in 1830 and 1834," which was committed to the committee of the whole.

Mr. Fox, from the committee on the erection and division of towns and counties, reported in favor of the passage of the bill from the Assembly entitled "An act to erect the town of Shongo from the town of Independence, in the county of Allegany," which was committed to the committee of the whole.

Mr. Clark from the committee on claims, reported adversely to the passage of the bill from the Assembly entitled, "An act to provide for the appraisal and payment of canal damages to John H. Babcock, Leander Fox and others," which was committed to the committee of the whole.

Mr. Clark, from the committee on claims reported adverse to the passage of the bill from the Assembly entitled "An act authorising the Canal Board to hear and determine the claim of Washington Thurman, Warren Mills and Benjamin A. Towner, for damages sustained by them in the sinking of a canal boat," which was committed to the committee of the whole.

Mr. Bond, from the committee on literature, reported adverse to the passage of the bill from the Assembly entitled "An act concerning school district No. 8, in the towns of Hanover and Sheridan," which was committed to the committee of the whole.

Mr. Frost from the committee on charitable and religious societies, reported adverse to the passage of the bill from the Assembly entitled "An act to authorise the trustees of the First Presbyterian Church in the town of Bolton, to sell or move their old meeting house," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties reported in favor of the passage of the bill from the Assembly entitled "An act to regulate the sale of keg oysters," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act authorising the supervisors of the county

of Chemung, to borrow money to build a jail and keeper's residence," which was committed to the committee of the whole.

Mr. Floyd, from the committee on engrossed bills, reported as correctly engrossed the following bill :

"An act to amend an act entitled 'An act to incorporate the Fulton Academy, passed April 11, 1842,' "

*Ordered*, That said bill do have its third reading.

Mr. Cook, from the committee on banks and insurance companies, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act relative to unclaimed bank dividends and deposits, passed May 9, 1835, and for other purposes," which was committed to the committee of the whole.

The Senate then proceeded to the consideration of the question on agreeing with report of the committee of the whole on the bill entitled "An act to provide for the incorporation of insurance companies."

On motion of Mr. Cook,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Mr. Cook, Mr. Bokee, and Mr. Geddes, be said committee.

Mr. Frost, from the committee on commerce and navigation, reported in favor of the passage of the bill from the Assembly entitled "An act to incorporate the New-York and Liverpool United States Mail Steam Ship Company," which was committed to the committee of the whole.

A bill was received from the Assembly for concurrence entitled, "An act making further provisions for the organization of the militia, and to amend the act passed May, 13, 1847, entitled 'An act to provide for the enrolment of the militia, and to encourage the formation of uniform companies, excepting the first military division of this State,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

Mr. W. Hall, from the committee on the militia, reported in favor of the passage of the bill from the Assembly entitled "An act in relation to the fifth brigade of the militia of the State of New-York," which was committed to the committee of the whole.

Mr. W. Hall, from the committee on militia, reported in favor of the passage of the bill from the Assembly entitled "An act to provide for the appointment of brigade inspectors, and prescribing their duties and compensation," which was committed to the committee of the whole.

Mr. Frost, from the committee on charitable and religious societies, reported in favor of the passage, with amendments, of the bill from the Assembly entitled, "An act to incorporate the Mariner's Family Industrial Society of the port of New-York," which was committed to the committee of the whole.

Mr. Fox, from the select committee, reported complete the bill entitled "An act to incorporate the Gilboa Aqueduct Company."

*Ordered*, That said bill do have its third reading.

Mr. Fine, from the select committee, reported complete the bill entitled "An act to authorise the settlement of the claims of this State against the bail of the late county treasurer of the county of Onondaga."

*Ordered*, That said bill do have its third reading.

Mr. Treadwell, from the select committee, reported complete the bill entitled "An act to erect the town of Richmondville, in Schoharie."

*Ordered*, That said bill do have its third reading.

Mr. Cornwell, from the select committee, reported complete the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Auburn, passed March 21, 1848.'"

*Ordered*, That said bill do have its third reading.

Mr. Smith, from the select committee, reported complete the bill entitled "An act to establish free schools in the village of Sing Sing."

*Ordered*, That said bill do have its third reading.

Mr. Fuller, from the select committee, reported complete the bill entitled "An act to abolish the Mayor's court in the city of Rochester."

*Ordered*, That said bill do have its third reading.

Mr. Fuller, from the select committee, reported complete the bill entitled "An act further to amend the charter of the city of Rochester."

*Ordered*, That said bill do have its third reading.

Mr. Coffin, from the select committee of eight, appointed to select such bills as they thought proper to be referred to select committees to report complete, reported the following bills, which were severally referred to select committees, as follows:

"An act to amend an act entitled, 'An act more effectually to provide for common school education in the city and county of New-York,' passed May 7, 1844," to Messrs Bond, Whallon and Geddes.

"An act to create the Croton Aqueduct Department in the city of New-York," to Messrs W. Hall, Fox and Betts.

"An act to amend an act to incorporate the Dry Dock Savings Institution in the city of New-York," passed April 12, 1848, to Messrs Frost, W. Hall and Smith.

"An act to amend an act to incorporate the East River Savings Institution," passed April 11, 1848, to Messrs Johnson, Cook and Whallon.

"An act to amend the charter of the Fallsburgh and Liberty Turnpike Road Company," to Messrs Adams, Coffin and Fox.

"An act for the establishment of a work-house for the employment of persons committed to the city prisons and alms house in the city of New-York," to Messrs Johnson, W. Hall and Floyd.

"An act making an appropriation for the support in part of certain incorporated orphan asylums in this state," to Messrs Frost, Betts and Bush.

"An act to declare the validity of the election of Ebenezer W. Peck as county treasurer of the county of Kings and fix his term of office," to Messrs Bokee, W. Hall and Floyd.

By unanimous consent,

The bill entitled, "An act to amend the charter of the city of Syracuse," was taken from the table, and again read the third time and passed, a majority of all the members elected to Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Fuller
Mr. Betts	Mr. Colt	Mr. Lawrence
Mr. Bokee	Mr. Cornwell	Mr. Smith
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Bush	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Geddes	Mr. Wilkin
		21

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act appropriating the revenues of the Literature and United States Deposit Funds" was read the third time and passed a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Lawrence
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Wilkin
		21

FOR THE NEGATIVE.

Mr. Colt	Mr. Geddes	Mr. Smith
Mr. Floyd	Mr. Martin	Mr. Whallon
		6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend an act requiring compensation for causing death by wrongful act, neglect or default," passed December 13, 1847, coming up for its third reading,

Mr. Hawley moved to postpone the further consideration of this bill indefinitely.

The President put the question upon agreeing to said motion, and it was decided in the negative.

Mr. Floyd moved that said bill be recommitted to the committee of the whole.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. Floyd	Mr. Smith	
Mr. Fine	Mr. Hawley	Mr. Wilkin	6

**FOR THE NEGATIVE.**

Mr. Adams	Mr. Cornwell	Mr. Johnson	
Mr. Bush	Mr. Fox	Mr. Lawrence	
Mr. Clark	Mr. Frost	Mr. Martin	
Mr. Coffin	Mr. Fuller	Mr. Tamblin	
Mr. Cole	Mr. Geddes	Mr. Treadwell	
Mr. Colt	Mr. W. Hall	Mr. Whallon	
Mr. Cook			19

And then the question coming up on the final passage of the bill,

On motion of Mr. Wilkin, and by unanimous consent,

The said bill having been first amended so that its provisions should not affect any suit or proceeding commenced or pending in any of the courts of this State, it was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Cook	Mr. Johnson	
Mr. Betts	Mr. Fox	Mr. Lawrence	
Mr. Bond	Mr. Frost	Mr. Martin	
Mr. Bush	Mr. Fuller	Mr. Tamblin	
Mr. Clark	Mr. Geddes	Mr. Treadwell	
Mr. Coffin	Mr. W. Hall	Mr. Whallon	18

**FOR THE NEGATIVE.**

Mr. Cole	Mr. Floyd	Mr. Smith	
Mr. Colt	Mr. Hawley	Mr. Wilkin	
Mr. Fine			7

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to prevent the manufacture and sale of slung shot," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Johnson
Mr. Betts	Mr. Colt	Mr. Lawrence
Mr. Bokee	Mr. Cornwell	Mr. Smith
Mr. Bond	Mr. Fox	Mr. Treadwell
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Clark	Mr. Fuller	Mr. Wilkin
Mr. Coffin	Mr. W. Hall	

20

## FOR THE NEGATIVE.

Mr. Cook	Mr. Martin	2
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*Ordered,* That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

Mr. Fox, from the select committee, reported complete the bill entitled "An act to erect the town of North Norwich from the town of Norwich, in the county of Chenango."

*Ordered,* That said bill do have its third reading.

Mr. Bond, from the select committee, reported complete the bill entitled "An act giving assent to the erection by the United States, of a marine hospital at the old fort, military or parade ground at Oswego."

*Ordered,* That said bill do have its third reading.

Mr. Fox, from the select committee, reported complete the bill entitled "An act to allow the president and directors of the Eastern Turnpike to sell a part of all their road to form a plank road company from Albany to Sandlake, under the act passed May 7, 1847."

*Ordered,* That said bill do have its third reading.

The bill from the Assembly entitled "An act making appropriations to the Buffalo hospital of the sisters of charity," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Fuller
Mr. Bokee	Mr. Cook	Mr. W. Hall
Mr. Bond	Mr. Cornwell	Mr. Hawley
Mr. Bush	Mr. Floyd	Mr. Johnson
Mr. Coffin	Mr. Fox	Mr. Treadwell
Mr. Cole	Mr. Frost	

17

## FOR THE NEGATIVE.

Mr. Betts	Mr. Martin	Mr. Whallon
Mr. Clark	Mr. Smith	5

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill entitled "An act requiring steamboats driven or propelled by steam, to carry small boats for the protection of life in case of accident," coming up for its third reading.

On motion of Mr. Cornwell,

*Resolved*, That said bill be re-committed to a select committee to report complete.

*Ordered*, That Mr. Cornwell, Mr. Whallon and Mr. Frost, be said committee.

The bill entitled "An act in relation to a railroad from Lewiston to Niagara Falls," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Fuller
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bond	Mr. Cornwell	Mr. Hawley
Mr. Bush	Mr. Fox	Mr. Johnson
Mr. Clark	Mr. Floyd	Mr. Lawrence
Mr. Coffin	Mr. Frost	Mr. Treadwell
		18

#### FOR THE NEGATIVE.

Mr. Cole	Mr. Smith	Mr. Whallon
Mr. Martin		
		4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act making an appropriation to the Buffalo Hospital of the sisters of charity," and after some time spent thereon, Mr. Geddes, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to enable the supervisors of the city of New-York to raise money by tax," and after some time spent thereon, Mr. Geddes, from said committee, reported in favor of the passage of the same without amendment, which report was agreed and the said bill ordered to a third reading.

The bill from the Assembly entitled, "An act to authorise Nezhiah Bliss and others to erect and maintain docks in the town of Bushwick, in the county of Kings," was read the third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cook	Mr. Johnson
Mr. Bokee	Mr. Cornwell	Mr. Lawrence
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Floyd	Mr. Smith
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin

24

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to incorporate a seminary of education under the name of the Sacred Heart," and after some time spent thereon, Mr. Treadwell, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to equalize the tolls upon the transportation of foreign salt and that manufactured in this State," and after some time spent thereon, Mr. Treadwell from said committee, reported progress, and asked for and obtained leave to sit again.

The bill entitled "An act to pay Francis Bates certain sums of money for fines, costs and expenses incurred in taking Barney Heirs, an escaped convict," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Johnson
Mr. Betts	Mr. Floyd	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Coffin	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	

20

## FOR THE NEGATIVE.

Mr. Cole	Mr. Geddes	Mr. Wilkin
Mr. Cornwell	Mr. Smith	

5

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled "An act to enable the supervisors of the city and county of New-York to raise money by tax," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths



of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Frost	Mr. Smith
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. Geddes	Mr. Whallon
Mr. Colt	Mr. W. Hall	

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act in relation to the Cayuga Indian annuities," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Hawley
Mr. Betts	Mr. Fox	Mr. Johnson
Mr. Bond	Mr. Frost	Mr. Lawrence
Mr. Clark	Mr. Fuller	Mr. Smith
Mr. Coffin	Mr. Geddes	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Cook		

19

FOR THE NEGATIVE.

Mr. Bush	Mr. Colt	Mr. Martin	3
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Cornwell, from the select committee, reported complete, with amendments, the bill entitled, "An act requiring steamboats driven or propelled by steam, to carry small boats for the protection of life, in case of accident."

*Ordered,* That said bill do have its third reading.

The bill entitled, "An act for the relief of Helena R. Kearney, administratrix of the late Charles McKnight," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson

Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Cook	Mr. W. Hall	

20

FOR THE NEGATIVE.

Mr. Cole	Mr. Colt	Mr. Smith	3
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*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to continue in force and to incorporate an association for the relief of indigent females in the city of New-York," passed March 10, 1815, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Johnson
Mr. Betts	Mr. Floyd	Mr. Lawrence
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Frost	Mr. Smith
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	

20

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to amend an act to incorporate the Fulton Academy," passed April 11, 1842, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Smith
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. Geddes	Mr. Whallon
Mr. Colt		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to create a fund for the benefit of the Stockbridge Indians," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. W. Hall	
Mr. Betts	Mr. Cole	Mr. Hawley	
Mr. Bokes	Mr. Cook	Mr. Johnson	
Mr. Bond	Mr. Fox	Mr. Lawrence	
Mr. Bush	Mr. Frost	Mr. Treadwell	
Mr. Clark	Mr. Geddes	Mr. Wnallon	18

## FOR THE NEGATIVE.

Mr. Colt	Mr. Martin	Mr. Smith	
Mr. Cornwell			4

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the following bills :

"An act to amend the charter of the Williamsburgh Fire Insurance Company."

"An act authorising the Canal Board to change or alter the mouth of the Erie basin in the city of Buffalo," and amended the said bills accordingly.

*Ordered*, That said bills be returned to the Assembly.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
April 3, 1849. }

To the SENATE,—

I have this day approved and signed the following bills:

"An act to vest in the boards of supervisors certain legislative powers and to prescribe their fees for certain services."

March 4, 1849.

"An act to amend an act entitled, "An act in relation to the city of Troy," passed January 28, 1848."

"An act in relation to certain expenses incurred in excavating the basin and the tolls receivable thereon at the eastern termination of the Erie and Champlain canals."

"An act to amend the charter of the city of Troy and to provide for the establishment of free schools in said city."

HAMILTON FISH.

On motion of Mr. Geddes,

*Resolved*, That the State Engineer and Surveyor be requested to report to this Senate, an abstract of the reports of the railroad companies made under the General railroad law, and that he be requested to report the companies that have refused or neglected to make the report required by the general law.

The following communication was received from the Commissioners of the Code:

*Albany, April 4, 1849.*

To the Hon. the PRESIDENT OF THE SENATE:

We have caused to be laid upon the tables of Senators so much of a revision of the first part of the Revised Statutes as we have deemed proper to print.

Very respectfully,

Your ob't serv'ts,

A. WORDEN,  
SETH C. HAWLEY.

On motion of Mr. Clark,

The bill from the Assembly entitled, "An act to amend the charter of the village of Rome," was ordered to a select committee to report complete.

On motion of Mr. Wilkin,

*Resolved*, That the bill in relation to the court of appeals be referred to a select committee to report complete.

On motion of Mr. Treadwell,

*Resolved*, That the bill entitled "An act to incorporate the Albany Hospital," be made a special order for Friday at 12 o'clock.

On motion of Mr. Fuller,

*Resolved*, That the act to amend the 77th section of the act in relation to the judiciary, be referred to the committee of whole having in charge the bill in relation to the chancery library.

The bill entitled, "An act to erect the town of Richmondville, in the county of Schoharie," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. Lawrence	
Mr. Bond	Mr. Cornwell	Mr. Martin	
Mr. Bush	Mr. Fox	Mr. Treadwell	
Mr. Clark	Mr. Frost	Mr. Whallon	
Mr. Coffin	Mr. Johnson		14

FOR THE NEGATIVE.

Mr. Colt	Mr. Floyd	Mr. Smith	3
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And then the vote was reconsidered, and the bill laid on the table. The Senate then took a recess until 4 o'clock P. M.

## 4 O'CLOCK P. M.

The Senate again met.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the site of the county jail to be built in the city of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to raise money by tax to purchase, improve and make free the Oswego Falls Bridge," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act relating to claims against the county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the sale of certain lands belong to the people of this State, and for the purchase of other lands for salt manufacture," which was read the first time, and by unanimous consent was also read the second time.

A bill was received from the Assembly for concurrence entitled, "An act to provide for supplying the city of Albany, and other places within the county of Albany, with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the settlement and claims of Robert Renwick, as contractor on the Genesee Valley canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act for the better regulation of the county and State prisons of this State, and consolidating and amending the existing laws in relation thereto," passed December 14, 1847, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act authorising the appraisal and payment of canal damages to John G. Evans," and after some time spent thereon, Mr. Wilkin, from said committee, reported that the committee had stricken out the enacting clause of said bill, which report was agreed to.

*Ordered,* That said bill be rejected.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act authorising the Canal Board to hear and determine the claim of James H. Hooker, for loss sustained by the sinking of his canal boat in the Erie canal," and after some time spent thereon, Mr. Cook, from said committee, reported that they had struck out the enacting clause of the bill.

Mr. Bokee moved to amend the report of the committee of the whole by restoring to said bill the enacting clause.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Fine	Mr. Whallon	
Mr. Cornwell	Mr. Fox		5

FOR THE NEGATIVE.

Mr. Adams	Mr. Colt	Mr. Lawrence	
Mr. Betts	Mr. Cook	Mr. Martin	
Mr. Clark	Mr. Frost	Mr. Smith	
Mr. Cole	Mr. W. Hall	Mr. Wilkin	12

*Ordered,* That said bill be rejected.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act for the appraisal and payment of the damages of Benjamin Woodworth, in the construction of the Easton-brook reservoir," and after some time spent thereon, Mr. Cook, from said committee, reported that the committee had struck out the enacting clause to said bill, which report was agreed to.

*Ordered,* That said bill be rejected.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to authorise Isabella Gilchrist to hold and convey real estate," and after some time spent thereon, Mr. Johnson, from said committee, reported in favor of the passage of the same without amendment.

Mr. Martin moved to amend the report of the committee of the whole by striking out the enacting clause.

The President put the question upon agreeing to said report, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Cole	Mr. W. Hall	Mr. Martin	
Mr. Cornwell	Mr. Hawley	Mr. Smith	
Mr. Fuller			7

FOR THE NEGATIVE.

Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Treadwell

Mr. Bond  
Mr. Cook

Mr. Frost  
Mr. Johnson

Mr. Whallon  
Mr. Wilkin

*Ordered*, That said bill do have its third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act authorising the appraisal and payment of canal damages to Henry P. Alexander, David Tomlinson and others," and after some time spent thereon, and Mr. Fine, from said committee, reported that they had struck out the enacting clause of the bill, and the Senate agreed to the report.

*Ordered*, That said bill be rejected.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to provide for the settlement of the claim of the estate of John Jacob Mang for land taken by the state," and after some time spent thereon, Mr. Wilkin, from said committee, reported that they had struck out the enacting clause of the bill, and the Senate agreed to the report.

*Ordered*, That said bill be rejected.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to authorise the appraisal and payment of canal damages to George W. Manchester," and after some time spent thereon, Mr. Johnson, from said committee, reported that they had struck out the enacting clause of the bill, and the Senate agreed to the report.

*Ordered*, That said bill be rejected.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act for the relief of the heirs and personal representatives of John L. Bigelow, deceased," and after some time spent thereon, Mr. Fine, from said committee, reported progress, and asked for and obtained leave to sit again.

A bill was received from the Assembly for concurrence entitled, "An act relative to claims against the county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the sale of certain lands belonging to the people of this state and for the purchase of other lands for the salt manufacturing purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

A message was received from the Assembly informing that they had passed, with the amendments therewith delivered, the bill entitled. "An act to erect the town of Fish from the town of Butternuts, Otsego county."

*Ordered*, That said bill and amendments be referred to the committee on the erection and division of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the settlement of the claims of Robert Renwick as contractor on the Genesee Valley canal," which was read

the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the site of the county jail to be built in the city of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act for the better regulation of the county and state prisons of the state, and consolidating and amending the existing laws in relation thereto," passed December 14, 1847, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on state prisons.

A bill was received from the Assembly for concurrence entitled, "An act to provide for supplying the city of Albany and other places in the county of Albany with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to raise money by tax to purchase, improve and make free the Oswego Falls bridge," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

And then the Senate adjourned till 10 o'clock to-morrow morning.

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### FRIDAY, 10 O'CLOCK A. M., APRIL 6, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Sanford.

The Journal of yesterday was read and approved.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported in favor, with amendments, of the passage of the bill from the Assembly entitled "An act to amend the act entitled, 'An act to provide for the incorporation of villages,' passed December 7, 1847, so far as relates to the villages of Cohoes and Fultonville," which was committed to the committee of the whole.

Mr. Martin, from the committee on canals, reported in favor of the passage of the bill from the Assembly entitled, "An act authorising the Canal Board to hear and determine the claim of Nicholas Schuyler for work done on the Erie canal," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties reported in favor of the passage of the bill from the As-



sembly entitled, "An act relating to claims against the county of Albany," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to regulate the taking of oysters, clams and shell fish in the bays and harbors in the town of North Hempstead, Queens county."

On motion of Mr. Geddes.

*Ordered*, That said bill be indefinitely postponed.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act in relation to the site of the county jail to be built in the city of Oswego," which was committed to the committee of the whole.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported adverse to the passage of the following bills from the Assembly:

"An act to regulate the fisheries in the town of Rosendale, in the county of Ulster."

"An act to regulate the eel fishery in the waters of Mecox Bay in the town of Southampton, in the county of Suffolk."

"An act in relation to the dog tax in the county of Ulster."

"An act to repeal the 9th section of an act for the preservation of pike or pickerel and other fish in sundry ponds and other waters," passed April 16, 1822.

On motion of Mr. Smith,

*Ordered*, That the further consideration of these bills be postponed indefinitely.

Mr. Lawrence, from the committee on finance, reported in favor of the passage, with amendments, of the bill entitled, "An act making appropriations for the support of government for the fiscal year commencing October 1, 1849."

On motion of Mr. Lawrence,

*Ordered*, That the consideration of said bill be made the special order for this afternoon at 4 o'clock.

Mr. Frost, from the committee on commerce and navigation, reported in favor of the passage of the bill from the Assembly entitled "An act to incorporate the Watertown Waterworks Company," which was committed to the committee of the whole.

Mr. Geddes, from the committee on Indian affairs, reported in favor of the resolutions from the Assembly concerning the government of the Indians on the Cattaraugus reservation.

Mr. Bush moved to make said resolutions the special order for Monday, the 9th April, at 4 P. M.

The President put the question upon agreeing to said motion, and it was decided in the negative.

And then the question being on the final passage of the resolutions.

The President put the question upon agreeing to said resolutions, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Betts	Mr. Fox	Mr. Lawrence
Mr. Bokee	Mr. Frost	Mr. Little
Mr. Bond	Mr. Fuller	Mr. Smith
Mr. Coffin	Mr. Geddes	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin
Mr. Cook		

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## FOR THE NEGATIVE.

Mr. Bush

Mr. Martin

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*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

Mr. Treadwell, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled "An act to authorise the town of Lyme to build a bridge over the Chaumont river, and to borrow money for that purpose," which was committed to the committee of the whole.

Mr. Geddes, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend an act entitled 'An act to incorporate the Middletown and Delhi Turnpike Company, passed May 14, 1840,'" which was committed to the committee of the whole.

Mr. Whallon, from the committee on the erection and division of towns and counties, reported in favor of the passage of the bill from the Assembly entitled "An act to erect the town of Cape Vincent, in Jefferson county," which was committed to the committee of the whole.

Mr. Whallon from the committee on the erection and division of towns and counties, reported adverse to the passage of the bill entitled "An act to divide the town of Brookhaven and erect the town of Atlantic," which was committed to the committee of the whole.

Mr. Treadwell, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled "An act to authorise the construction of a plank road in the town of Hermon," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on state prisons, reported in favor of the passage of the bill from the Assembly entitled "An act to amend an act for the better regulation of the county and State prisons of this State, and consolidating and amending the existing laws in relation thereto," passed December 14, 1847, which was committed to the committee of the whole.

Mr. Clark, from the committee on claims reported adverse to the passage of the bill from the Assembly entitled, "An act for the appraisal and payment of canal damages to Whiting Tuttle, Peter Edwin and A. G. Willard," which was committed to the committee of the whole.

Mr. W. Hall, from the committee on the militia, reported in favor of the passage of the bill from the Assembly entitled "An act making further provision for the organization of the militia, and to amend the act passed May 13, 1847, entitled 'An act to provide for the enrolment of the militia, and to encourage the formation of uniform companies, excepting the first military division of this State,'" which was committed to the committee of the whole.

Mr. Cook, from the committee on banks and insurance companies, reported in favor of the passage of the bill from the Assembly entitled "An act for the formation of insurance companies."

On motion of Mr. Cook,

*Ordered*, That said bill do have its third reading.

On motion of Mr. Frost,

The committee on commerce and navigation were discharged from the further consideration of the bill entitled "An act for the better regulation of wharfrage, and the use of wharves and slips in the cities of New-York and Brooklyn," and the same was referred to a select committee of the Senators from the first and second districts.

Mr. S. H. P. Hall, from the committee on state prisons, reported adverse to the passage of the bill from the Assembly entitled "An act to authorise the Commissioners of the Land Office to sell a portion of the State prison farm in the county of Westchester, sufficient for the purposes of a cemetery," which was committed to the committee of the whole.

Mr. Frost, from the select committee, reported complete the bill entitled "An act making an appropriation for the support in part of certain incorporated orphan asylums in this State."

*Ordered*, That said bill do have its third reading.

Mr. Fuller, from the select committee, reported complete the bill entitled "An act to amend the act entitled 'An act to incorporate the Monroe county Mutual Insurance Company, passed March 21, 1846.'"

*Ordered*, That said bill do have its third reading.

Mr. Smith, from the select committee of eight, appointed to select such bills as they thought proper to be referred to select committees to report complete, reported the following bills, which were severally referred to select committees, as follows :

"An act to amend an act entitled 'An act to incorporate the Orange county Mutual Insurance Company, passed March 15, 1837,'" to Messrs. Fuller, Bond and Betts.

"An act to authorise and direct the surrogate of the city and county of New-York to admit to probate and record the last will and testament of William H. Taylor, deceased."

"An act in relation to the court of appeals."

"An act to amend the act entitled 'An act to alter the charter of the village of Rome,'" to Messrs. Clark, Colt and Betts.

"An act to amend an act relative to unclaimed dividends and deposits, passed May 9, 1835, and for other purposes," to Messrs. Cook, Clark and Fine.

"An act concerning the salaries or compensation of the superin-

tendents of the poor in the county of Kings," to Messrs. Bokee, Betts and Cornwell.

"An act to amend the act entitled 'An act to provide for the election of county treasurers, and fix their term of office,'"

"An act to incorporate the Mariner's Family Industrial Society of the port of New-York," to Messrs Frost, Bokee and Bond.

Mr. W. Hall, from the select committee, reported complete with amendments, the bill entitled, "An act to create the Croton aqueduct department in the city of New-York."

*Ordered*, That said bill do have its third reading.

Mr. Bond, from the select committee, reported complete the bill entitled "An act to amend an act entitled 'An act more effectually to provide for common school education in the city and county of New-York, passed May 7, 1844.'"

*Ordered*, That said bill do have its third reading.

Mr. Cook, from the select committee, reported complete the bill entitled "An act to amend an act relative to unclaimed bank dividends and deposits, passed May 9, 1835, and for other purposes."

*Ordered*, That said bill do have its third reading.

A bill was received from the Assembly for concurrence entitled, "An act to secure the payment of wages to day laborers employed on the canals and other public works of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to authorise the laying out a road from Newkirk's mills to Piseco village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to organise a separate battalion in the county of Richmond," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to provide for the incorporation of charitable and religious societies," passed April 5, 1813, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to confirm the official acts of Jacob A. Crounse, town superintendent of common schools in the town of Schoharie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act to extend First-street in the village of Greenport, in the county of Suffolk," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act incorporating the village of Waterloo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled, 'An act to provide for sick and disabled seamen,' passed April 22, 1831," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to incorporate the Roman Catholic Orphan Society of the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to legalize the acts of the trustees of the Baptist church and congregation of the towns of Southport and Elmira," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to repeal the charter of the Croton turnpike Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled, 'An act to incorporate the Manhattanville Free School in the city of New-York,' passed March 3, 1827," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A message was received from the Assembly, informing that they had passed, without amendment, the following bill :

"An act to amend the charter of the Buffalo and Niagara Falls Railroad Company."

*Ordered,* That said bill be transmitted to the Governor.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the following bills :

"An act to amend an act to incorporate the Buffalo Savings Bank," passed May 9, 1846.

"An act to amend an act requiring compensation for causing death by wrongful act, neglect or default," passed December 13, 1847, and amended the said bills accordingly.

A message was received from the Assembly informing that they had agreed to the report of the committee of conference on the bill entitled "An act to regulate the expenditure of the highway tax in parts of Essex, Hamilton and Warren counties."

The President then put the question upon agreeing to said report, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. S. H. P. Hall
Mr. Betts	Mr. Fine	Mr. W. Hall
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Clark	Mr. Fox	Mr. Martin
Mr. Coffin	Mr. Frost	Mr. Tamblin
Mr. Cole	Mr. Fuller	Mr. Whallon
Mr. Colt	Mr. Geddes	Mr. Wilkin

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

Mr. Clark, from the select committee, reported complete the bill entitled, "An act to amend the act entitled 'An act to alter the charter of the village of Rome.'"

*Ordered*, That said bill do have its third reading.

Mr. Frost, from the select committee, reported complete the bill entitled "An act to amend an act to incorporate the Dry Dock Savings Institution in the city of New-York," passed April 12, 1848.

*Ordered*, That said bill do have its third reading.

Mr. Cook, from the select committee, reported complete the bill entitled "An act to amend an act to incorporate the East River Savings Institution," passed April 11, 1848.

*Ordered*, That said bill do have its third reading.

'The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
April 6, 1849. }

To the SENATE,—

I have this day approved and signed the following bills :

"An act to enforce the responsibility of stockholders in certain banking corporations and associations as prescribed by the Constitution, and to provide for the prompt payment of demands against such corporations and associations."

"An act to incorporate the Syracuse city water works company."

HAMILTON FISH.

Mr. Wilkin gave notice that he would, at some future day, ask for leave to introduce a bill to appoint David Graham, Arphaxed Loomis and David D. Field commissioners on the code of procedure, and for the appointment of John C. Spencer, Alvah Worden and Seth C. Hawley commissioners to revise the statute laws of this state.

Mr. Frost, from the select committee consisting of the Senators from the 3d, 4th, 5th and 6th districts, reported in favor of the passage, with amendments, of the bill entitled, "An act to amend an act entitled, 'An act in relation to police and justices' courts in the city of New-York,' passed March 3, 1848, and an act amendatory of the same, passed April 12, 1848," which was committed to the committee of the whole.

Mr. Frost, from the select committee, reported complete the bill

entitled "An act to incorporate the mariner's family industrial society of the port of New-York."

*Ordered*, That said bill do have its third reading.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled 'An act for increasing the number of justices in the superior court of the city of New-York, and for extending the jurisdiction of that court, passed March 24, 1849,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act relating to the Prattsville Turnpike road," which was read the first time, and by unanimous consent was also read the second time.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to incorporate the members of the New-York Institution for the Deaf and Dumb," passed April 15, 1817, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A bill was received from the Assembly for concurrence entitled, "An act to authorise Edward Mitchell to build a dock in the town of North Hempstead, in Queens county," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act relating to the New-York and Harlem Railroad Company," passed May, 1840, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the people's bathing and washing association in the city of New-York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act for the organization of the first division of the New-York State militia," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

A bill was received from the Assembly for concurrence entitled, "An act to authorise highway labor to be expended on the sidewalk of a plank road in the town of Onondaga, in the county of Onondaga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to cede to the United States sufficient land in the Hudson river, near Tarrytown point, on which to erect a beacon light," which was read the first time, and by unanimous consent was also

read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act relating to highways in the town of Greenburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A message was received from the Assembly, informing that they had passed, without amendment, the following bill:

"An act granting certain lands under water in Phillipstown, Putnam county, to Ward B. Howard."

*Ordered,* That said bill be delivered to the Governor.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act concerning the library of the late Court of Chancery, and in regard to locating and increasing the same," and after some time spent thereon, Mr. Smith, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then again resolved itself into a committee of the whole on the bill entitled "An act to incorporate the Albany City Hospital," and after some time spent thereon, Mr. Smith, from said committee, reported in favor of the passage of the same without amendment.

Mr. Treadwell moved to amend the report of the committee of the whole by restoring the 7th and 8th sections.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Fine

Mr. Fox  
Mr. Frost

Mr. Tamblin  
Mr. Treadwell

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#### FOR THE NEGATIVE.

Mr. Clark  
Mr. Cole  
Mr. Colt  
Mr. Cook

Mr. Cornwell  
Mr. Floyd  
Mr. Fuller  
Mr. S. H. P. Hall

Mr. W. Hall  
Mr. Martin  
Mr. Whallon  
Mr. Wilkin

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And then the report of the committee of the whole was agreed to.  
*Ordered,* That said bill do have its third reading.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act entitled, 'An act establishing free schools throughout the state,' passed March 26, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A message was received from the Assembly informing that they had passed, with the amendments therewith delivered, the bills entitled as follows:

"An act to amend the commissioners map of the city of Brooklyn."



*Ordered*, That the said bill and amendments be referred to the committee on the incorporation of cities and villages.

"An act in relation to common schools in the village of Medina."

The President put the question upon agreeing to said amendments, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Little
Mr. Bokee	Mr. Floyd	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Cole	Mr. Frost	Mr. Treadwell
Mr. Colt	Mr. Fuller	Mr. Whallon
Mr. Cook	Mr. Geddes	Mr. Wilkin

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A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the following bills :

"An act to amend the 133d section of the act to simplify and abridge the practice, pleadings and proceedings of the courts of this state," passed April 12, 1848.

"An act amendatory of the act entitled, 'An act to authorise the business of banking,' passed April 18, 1838, and the acts amending the same," and amended the said bills accordingly.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to amend the 77th section of the act relating to the judiciary," and after some time spent thereon, Mr. Martin, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

Mr. Wilkin, from the select committee, reported complete the bill entitled "An act to amend an act to incorporate the Orange County Mutual Insurance Company," passed March 11, 1837.

*Ordered*, That said bill do have its third reading.

Mr. Coffin, from the select committee, reported complete the bill entitled "An act to renew and amend the act granting lands under water to the Hudson and Berkshire Railroad Company."

*Ordered*, That said bill do have its third reading.

The bill entitled, "An act to provide for the payment of a select committee of the Legislature of 1848," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fox	Mr. Lawrence
Mr. Bush	Mr. Frost	Mr. Martin

Mr. Coffin  
Mr. Cole  
Mr. Colt

Mr. Fuller  
Mr. Geddes

Mr. Tamblin  
Mr. Treadwell

19

## FOR THE NEGATIVE.

Mr. Clark  
Mr. Floyd

Mr. S. H. P. Hall      Mr. Whallon

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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage, with amendments, of the joint resolutions from the Assembly, relating to the annexation of the section of country called Boston Corners, in the commonwealth of Massachusetts.

The President put the question upon agreeing to said report, and it was decided in the affirmative.

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Coffin  
Mr. Cole  
Mr. Colt  
Mr. Fine

Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. Geddes  
Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Hawley  
Mr. Johnson

Mr. Lawrence  
Mr. Little  
Mr. Martin  
Mr. Smith  
Mr. Tamblin  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

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## FOR THE NEGATIVE.

Mr. Bush

Mr. Floyd

2

*Ordered*, That the clerk return said resolutions to the Assembly and inform them that the Senate have passed the same with amendments.

Mr. Cook gave notice that he would at some future day move to suspend the 10th and 11th joint rules of the Senate and Assembly.

Mr. Clark introduced a bill entitled "An act to repeal the 1st and 2d sections of article 1, title 2, chapter 4, 3d part of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A message was received from the Assembly informing that they have concurred in the amendments of the Senate to the bill entitled, "An act appropriating the revenues of the Literature and United States Deposit Fund," excepting the amendment which strikes out the appropriation for barometrical observations.

Mr. Cole moved that the Senate do recede from its said amendment.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Betts	Mr. Fox	Mr. Lawrence
Mr. Bond	Mr. Frost	Mr. Tamblin
Mr. Bush	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Cook	Mr. Hawley	

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## FOR THE NEGATIVE.

Mr. Clark	Mr. Cornwell	Mr. Martin
Mr. Colt	Mr. Floyd	Mr. Smith

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

Mr. Bond gave notice that he would at some future day ask leave to introduce a bill in relation to the Salmon river Plank Road Company.

Mr. Clark gave notice that he would at some future day ask leave to introduce a bill authorising the Governor of this State to revive by proclamation during the recess of the Legislature, the act entitled "An act for the preservation of the public health," passed June 22, 1832, if in his judgment it shall be expedient so to do.

On motion of Mr. Smith,

The Senate proceeded to the consideration of the following resolution, heretofore offered by him.

*Resolved*, (if the Assembly concur,) That this Legislature will adjourn on Wednesday the 11th day of April, at 12 o'clock at noon.

Mr. Cook moved to lay the resolution on the table.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Bond	Mr. Frost	Mr. Martin
Mr. Cook	Mr. W. Hall	

5

## FOR THE NEGATIVE.

Mr. Adams	Mr. Floyd	Mr. Johnson
Mr. Betts	Mr. Fox	Mr. Lawrence
Mr. Clark	Mr. Fuller	Mr. Smith
Mr. Cole	Mr. Geddes	Mr. Tamblin
Mr. Colt	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cornwell	Mr. Hawley	Mr. Whallon
Mr. Fine		

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Pending the discussion of this resolution,  
The Senate took a recess until 4 o'clock P. M.

#### 4 O'CLOCK P. M.

The Senate again met.

On motion of Mr. S. H. P. Hall,

*Resolved*, That the bill from the Assembly entitled "An act to authorise Gilbert Smith to surrender certain old stock of the New-York and Erie Railroad, and to receive new stock therefor," be taken from the table and referred to the railroad committee, with instructions to report a general bill on that subject.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act making appropriations for the support of government for the fiscal year commencing October 1, 1849," and after some time spent thereon, Mr. Tamblin, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then took a recess until 7 o'clock P. M.

#### 7 O'CLOCK P. M.

The Senate again met.

On motion of Mr. Fine,

*Resolved*, That the final vote on Assembly bill No. 300, be taken to-morrow morning at 10 minutes before 11 o'clock.

On motion of Mr. Fox,

*Resolved*, That to-morrow, immediately after the reading of the Journal, the Senate will proceed to the order of the third reading of bills.

On motion of Mr. W. Hall,

*Resolved*, That the Assembly bill entitled "An act making further provisions for the organization of the militia," be referred to the committee on the militia to report complete.

*Ordered*, That Mr. W. Hall, Mr. Wilkin and Mr. Smith, be said committee.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to provide for the settlement of the claim of John Jacob Mang, for land taken by the State," and after some time spent thereon, Mr. Fine, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act for the relief of the heirs and personal representatives of John L. Bigelow, deceased," and after some time spent thereon, Mr. Fine, from said committee, reported in favor of the

passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act authorising the Canal Board to hear and determine the claim of Nicholas Schuyler, for labor done on the Erie canal," and after some time spent thereon, Mr. Colt, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

By unanimous consent,

Mr. Fuller introduced a bill entitled "An act to secure the faithful performance of contracts with the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to authorise the appraisal and payment of canal damages to Perkins E. Hayes," and after some time spent thereon, Mr. Colt, from said committee, reported progress, and asked leave to sit again.

*Ordered,* That said bill be referred to the committee on claims.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act to release the estate of David Burt from a judgment held by the state," and after some time spent thereon, Mr. Geddes, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to provide for the appraisal and payment of canal damages to William and Uriah Sherman," and after some time spent thereon, Mr. Geddes, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to authorise the settlement of the claim of Amos B. King and James H. King, assignees of W. M. King, for work done," and after some time spent thereon, Mr. W. Hall, from said committee, reported progress, and asked for and obtained leave to sit again.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act authorising the appraisal and payment of damages to Matthew Sayre," and after some time spent thereon, Mr. W. Hall, from said committee, reported that they had struck out the enacting clause of the bill, and the Senate agreed to the report.

*Ordered,* That said bill be rejected.

A resolution was received from the Assembly in the words following, to wit:

*Resolved,* (if the Senate concur,) That a board of eight commissioners (one from each judicial district,) be appointed by the Governor, whose duty it shall be to meet at Albany on the 16th day of

May next, to mature a plan for the establishment of an agricultural college and experimental farm, and prepare a statement of the probable expense of such an institution, and a detailed account of the course of studies and plan of operations recommended, to be delivered to the Governor on or before the last day of September next, to be by him submitted to the Legislature at its next session, but the commissioners so appointed shall receive no compensation for their services.

The President put the question upon agreeing to said resolution, and it was decided in the affirmative.

A message was received from the Assembly, informing that they had passed, without amendment, the bill entitled "An act in relation to the natural history of the state of New-York."

*Ordered*, That said bill be delivered to the Governor.

A message was received from the Assembly informing that they had passed, with the amendments therewith delivered, the bill entitled "An act to aid in repairing and improving the road leading to the state road in North Hudson, to Mill Brook in the town of Moriah."

*Ordered*, That said bill and amendments be referred to the committee on roads and bridges.

A message was received from the Assembly informing that they had passed with the amendments therewith delivered, the bill entitled "An act to authorise the election of local officers to discharge the duties of county judge and surrogate in the counties of Orange Chautauque, Cayuga, St. Lawrence, Tioga and Dutchess."

*Ordered*, That said bill and amendments be referred to the committee on the judiciary.

A message was received from the Assembly informing that they had passed the following bills without amendment :

"An act authorising the Governor, Comptroller and Secretary of State to audit the accounts of counsel in the cause of Smith vs. William Turner, in the Supreme Court of the United States."

"An act in relation to gas light fixtures in the city of Troy."

*Ordered*, That said bills be delivered to the Governor.

By unanimous consent,

Mr. Bush introduced a bill entitled "An act to provide for the construction of a railroad from Attica to Hornellsville," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent,

Mr. Clark introduced a bill entitled "An act to authorise the Governor to revive by proclamation an act in relation to the public health," passed 22d June, 1832, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

And then the Senate adjourned till 10 o'clock to morrow morning.

SATURDAY, 10 O'CLOCK A. M., APRIL 7, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Clapp.

The Journal of yesterday was read and approved.

In pursuance of previous notice,

Mr. Wilkin introduced a bill entitled, "An act to appoint commissioners further to revive, reform, simplify and abridge the rules, pleadings and forms and proceedings of the courts of record of this state, and commissioners of the code, pursuant to the 17th article of the constitution," which was read the first time.

Mr. Clark objected to the second reading of said bill on this day.

And the second reading could not under the rules be had.

The bill from the Assembly entitled "An act to incorporate the mariner's family industrial society of the port of New-York," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Betta	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Fuller	Mr. Tamblin
Mr. Cole	Mr. Geddes	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Wilkin
Mr. Cook		

22

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

A message was received from the Assembly, informing that they had concurred in the passage of the following bills.

"An act in relation to the Fabius select school, in the county of Onondaga."

"An act in relation to suits by and against joint stock companies and associations."

"An act to amend the act entitled 'An act in relation to railroad corporations.'"

"An act relating to the village of Hamilton."

"An act to declare the public use of a railroad from Plattsburgh to the Canada line."

"An act making an appropriation for the Western House of Refuge."

"An act in relation to a railroad from Lewiston to Niagara Falls."

"An act to authorise the board of supervisors of Columbia county to purchase a piece of land."

"An act to remit any liabilities and forfeitures incurred by Benjamin W. Corwin, of Mount Hope, in the county of Orange, by acting as a justice of the peace."

"An act to aid in repairing and improving the road leading to the state road in North Hudson, to Mill Brook in the town of Moriah."

*Ordered*, That said bills be transmitted to the Governor.

The bill entitled, "An act to authorise the sale of certain real estate held in trust under the will of Joseph Weld, deceased," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cook	Mr. Johnson
Mr. Bokre	Mr. Cornwell	Mr. Little
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Geddes	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to amend certain acts concerning emigrants arriving at the port of New-York," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Betts	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Little
Mr. Clark	Mr. Fuller	Mr. Smith
Mr. Cole	Mr. Geddes	Mr. Tamblin
Mr. Colt	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cook	Mr. Hawley	Mr. Wilkin
Mr. Cornwell		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to amend the act entitled, 'An act to incorporate the Orange County Mutual Insurance Company,' passed March 15, 1837," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson



Mr. Bokee	Mr. Fine	Mr. Lawrence	
Mr. Bond	Mr. Floyd	Mr. Little	
Mr. Bush	Mr. Fox	Mr. Smith	
Mr. Clark	Mr. Fuller	Mr. Tamblin	
Mr. Cole	Mr. Geddes	Mr. Whallon	
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin	28

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled, "An act to declare the public use of a railroad from some eligible point in the Saratoga and Washington Railroad to Plattsburgh," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall	
Mr. Betts	Mr. Cornwell	Mr. Lawrence	
Mr. Bokee	Mr. Fine	Mr. Little	
Mr. Bush	Mr. Floyd	Mr. Smith	
Mr. Clark	Mr. Fox	Mr. Tamblin	
Mr. Cole	Mr. Fuller	Mr. Whallon	
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin	21

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The engrossed bill from the Assembly entitled "An act to provide for liquidating the claims of Horace Hotchkiss and William P. Smith, against the agent of the Sing Sing prison," was read a third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Fine	Mr. Little	
Mr. Bond	Mr. Fuller	Mr. Tamblin	
Mr. Cole	Mr. Lawrence	Mr. Wilkin	
Mr. Cornwell			10

FOR THE NEGATIVE.

Mr. Betts	Mr. Floyd	Mr. Johnson	
Mr. Clark	Mr. Fox	Mr. Smith	
Mr. Colt	Mr. S. H. P. Hall	Mr. Whallon	
Mr. Cook	Mr. W. Hall		11

*Ordered,* That said bill be rejected.

The bill from the Assembly entitled, "An act to amend an act for the protection of emigrants arriving at the port of New-York," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Bush

Mr. Colt  
Mr. Fine  
Mr. Floyd  
Mr. Fox

Mr. W. Hall  
Mr. Johnson  
Mr. Smith  
Mr. Whallon

13

## FOR THE NEGATIVE.

Mr. Clark  
Mr. Cole  
Mr. Cook

Mr. Cornwell  
Mr. Geddes  
Mr. S. H. P. Hall

Mr. Hawley  
Mr. Little  
Mr. Wilkin

9

On motion of Mr. Tamblin,

*Ordered*, That this vote be reconsidered, and that the bill be laid on the table.

A bill was received from the Assembly for concurrence entitled, "An act to provide for extraordinary repairs and improvements of the canals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act entitled 'An act to amend the act entitled 'An act to amend the Revised Statutes in relation to the marine hospital and its funds,' passed May 7, 1844," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the collection of taxes in the 8th and 9th wards of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to extend the time for the collection of taxes in the town of Castleton, in the county of Richmond," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to extend the time for the collection of taxes in the town of Ticonderoga, Essex county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the Grassy Point and North Haverstraw Bridge Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act authorising the Canal Commissioners to build a bridge over

the Champlain canal, north of the guard lock, upon the lands of Jonathan Polly, in the town of Whitehall," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act in relation to the Oneida lake canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
April 6, 1849. }

To the SENATE,—

I have this day approved and signed the following bills:

"An act to provide for the government of the department of alms and penitentiary in the city and county of New-York."

"An act for the relief of Jesse McKinley."

"An act to incorporate the American Female Guardian Society."

"An act authorising the appraisal and payment of certain canal damages sustained by Elias Wilcox."

"An act for the relief of Campbell Harris."

"An act for the relief of Nathaniel Mather."

"An act to authorise the trustees of the late West Point Foundry Association to sell their real estate."

"An act relative to the town records of the town of Mount Hope, destroyed by fire."

"An act for the relief of George W. Murray."

"An act to provide for the appointment of commissioners to ascertain the compensation for taking private property for public use in the city of Troy, and to regulate the proceedings in taking such property for that purpose."

"An act to amend the charter of the city of Syracuse."

"An act to release the interest of the state in certain real estate of which Patrick Ward died seised to Sally McAvara, Margaret Murphy and Catharine Burns."

"An act granting certain lands under water in Philipstown, in Putnam county, to Ward B. Howard."

"An act in relation to plank roads."

"An act to incorporate the Buffalo Dry Dock and Marine Railway Company."

"An act to amend the charter of the Buffalo and Niagara Falls Railroad Company."

"An act in relation to the Utica Female Academy."

"An act to erect the town of Morris in the county of Otsego."

HAMILTON FISH.

The bill entitled, "An act further to amend the charter of the city of Rochester," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. W. Hall
Mr. Betts	Mr. Fine	Mr. Hawley
Mr. Bokee	Mr. Floyd	Mr. Johnson
Mr. Bush	Mr. Fox	Mr. Lawrence
Mr. Cole	Mr. Fuller	Mr. Smith
Mr. Colt	Mr. Geddes	Mr. Whallon
Mr. Cook	Mr. S. H. P. Hall	

20

**Ordered,** That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled "An act to giving assent to the erection by the United States of a marine hospital at the old Fort Military or Parade Ground at Oswego," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. W. Hall
Mr. Bokee	Mr. Fine	Mr. Hawley
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Cole	Mr. Fuller	Mr. Tamblin
Mr. Colt	Mr. Geddes	Mr. Whallon
Mr. Cook	Mr. S. H. P. Hall	Mr. Wilkin

21

**Ordered,** That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

A message was received from the Assembly informing that they had passed with the amendments therewith delivered, the bill entitled "An act in settlement of the claims of the first Christian party of Oneida Indians."

The President put the question upon agreeing to said amendments, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Little
Mr. Cole	Mr. Fuller	Mr. Smith
Mr. Colt	Mr. Geddes	Mr. Tamblin
Mr. Cook	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cornwell	Mr. W. Hall	Mr. Wilkin

21

**Ordered,** That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

A message was received from the Assembly, informing that they

do non-concur in the passage of the bill entitled, "An act in relation to pardons."

A message was received from the Assembly informing that they had passed, with the amendments therewith delivered, the bill entitled, "An act relative to the expenses incurred in enforcing the law and preserving order in the county of Dutchess."

The President put the question upon agreeing to said amendment, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Little
Mr. Bush	Mr. Fuller	Mr. Smith
Mr. Clark	Mr. Geddes	Mr. Tamblin
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Wilkin
Mr. Cook		

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

The bill from the Assembly entitled "An act to annex part of the town of West Port to the town of Moriah," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Fuller	Mr. Tamblin
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cook	Mr. W. Hall	Mr. Wilkin

18

FOR THE NEGATIVE.

Mr. Bokee	Mr. Floyd
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2

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act for the relief of the heirs and personal representatives of John L. Bigelow, deceased," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Floyd	Mr. Smith
Mr. Bond	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook	Mr. W. Hall	

20

FOR THE NEGATIVE.

Mr. Hawley

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to allow the president and directors of the Eastern Turnpike to sell a part or all of their road, and to form a plank road company from Albany to Sand-lake, under the act passed May 7, 1847," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Fuller	Mr. Tamblin
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin
Mr. Cook		

19

FOR THE NEGATIVE.

Mr. Cornwell

Mr. S. H. P. Hall

2

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to amend an act to authorise the formation of the Niagara Suspension Bridge House Company," passed April 11, 1848, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. Lawrence
Mr. Bokee	Mr. Cornwell	Mr. Smith

Mr. Bond	Mr. Fine	Mr. Tamblin	
Mr. Bush	Mr. Fox	Mr. Whallon	
Mr. Cole	Mr. Fuller	Mr. Wilkin	18

## FOR THE NEGATIVE.

Mr. Floyd	1
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*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to provide for the appointment of commissioners to lay out a road from the town of Graysend to the city of Brooklyn, in the county of Kings," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Floyd	Mr. Johnson	
Mr. Bokee	Mr. Fox	Mr. Lawrence	
Mr. Bond	Mr. Fuller	Mr. Smith	
Mr. Bush	Mr. S. H. P. Hall	Mr. Tamblin	
Mr. Cole	Mr. W. Hall	Mr. Whallon	
Mr. Colt	Mr. Hawley	Mr. Wilkin	
Mr. Fine			19

## FOR THE NEGATIVE.

Mr. Cook	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to declare the public use of a railroad from Lockport to Buffalo, on the most eligible route," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Hawley	
Mr. Bokee	Mr. Floyd	Mr. Smith	
Mr. Bush	Mr. Fox	Mr. Tamblin	
Mr. Cole	Mr. Fuller	Mr. Whallon	
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Cornwell	Mr. W. Hall		17

## FOR THE NEGATIVE.

Mr. Johnson
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Mr. Wilkin moved that the Senate do reconsider its vote on said bill

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. W. Hall	Mr. Smith	
Mr. Betts	Mr. Hawley	Mr. Tamblin	
Mr. Bond	Mr. Johnson	Mr. Whallon	
Mr. Cook	Mr. Lawrence	Mr. Wilkin	12

## FOR THE NEGATIVE.

Mr. Bokee	Mr. Floyd	Mr. Fuller	
Mr. Bush	Mr. Fox	Mr. S. H. P. Hall	
Mr. Cole			7

On motion of Mr. Bush,

*Resolved*, That said bill be re-committed to the select committee who reported the same.

The bill from the Assembly entitled, "An act to declare the public utility of a railroad from Troy to the State line of Vermont," was read the third time and and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Hawley	
Mr. Bond	Mr. Floyd	Mr. Johnson	
Mr. Bush	Mr. Fox	Mr. Lawrence	
Mr. Colt	Mr. Fuller	Mr. Smith	
Mr. Cornwell	Mr. S. H. P. Hall	Mr. Wilkin	15

## FOR THE NEGATIVE.

Mr. Betts	Mr. W. Hall	2
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*Ordered*, That the vote on said bill be reconsidered, and the bill be laid on the table.

The bill from the Assembly entitled, "An act concerning the library of the late Court of Chancery and the Supreme Court, and for locating and increasing the same," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Little
Mr. Bush	Mr. Fuller	Mr. Smith



Mr. Clark	Mr. Geddes	Mr. Tamblin	
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon	
Mr. Colt	Mr. W. Hall	Mr. Wilkin	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The special order being the question on the final passage of the bill entitled "An act to amend the act providing for the construction of a railroad from the navigable waters of the Great Western Lakes to Lake Champlain."

Mr. Fine moved to postpone the consideration of the special order till monday morning at 10 minutes before 11 o'clock.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. W. Hall	
Mr. Bokee	Mr. Fine	Mr. Little	
Mr. Bond	Mr. Floyd	Mr. Smith	
Mr. Bush	Mr. Geddes	Mr. Tamblin	
Mr. Cole	Mr. S. H. P. Hall		14

#### FOR THE NEGATIVE.

Mr. Adams	Mr. Fox	Mr. Whallon	
Mr. Colt	Mr. Johnson	Mr. Wilkin	
Mr. Cook			7

The bill entitled "An act to authorise Isabella Gilchrist to hold and convey real estate," coming up for its third reading.

Mr. Hawley moved that this bill be indefinitely postponed.

The President put the question upon agreeing to said motion, and it was decided in the negative.

*Ordered*, That said bill be laid upon the table.

The bill from the Assembly entitled, "An act to erect the town of North Norwich from the town of Norwich, in the county of Cheshango," it was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall	
Mr. Betts	Mr. Cornwell	Mr. Johnson	
Mr. Bokee	Mr. Fine	Mr. Lawrence	
Mr. Bond	Mr. Fox	Mr. Whallon	
Mr. Bush	Mr. Fuller	Mr. Wilkin	
Mr. Cole	Mr. S. H. P. Hall		17

#### FOR THE NEGATIVE.

Mr. Floyd

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act in relation to the canal debt and canal damages," was read the third time and passed, a majority of all the members elected to Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Lawrence
Mr. Bond	Mr. Fine	Mr. Whallon
Mr. Bush	Mr. Fox	Mr. Wilkin
Mr. Cole	Mr. Fuller	

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## FOR THE NEGATIVE.

Mr. Floyd	Mr. Johnson	Mr. Smith	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act in relation to the purchase of materials for the ordinary repairs of the canals," having been taken from the table,

On motion of Mr. Smith,

The said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Johnson
Mr. Bush	Mr. Fox	Mr. Lawrence
Mr. Clark	Mr. Fuller	Mr. Little
Mr. Cole	Mr. Geddes	Mr. Tamblin
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin

21

## FOR THE NEGATIVE.

Mr. Floyd	1
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A bill was received from the Assembly for concurrence entitled "An act to amend the Revised Statutes in relation to highway taxes on non-resident lands," which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A message was received from the Assembly informing that they had passed, with the amendments therewith delivered, the bill entitled, "An act to amend an act entitled, 'An act to provide for the incorporation and regulation of Telegraph companies,' passed April 12, 1848."

*Ordered,* That said bill be referred to the committee on the judiciary.

A message was received from the Assembly informing that they had passed the following bills without amendment:

"An act to incorporate the Sandlake mutual protection against horse thieves."

"An act making an appropriation for the payment of charges and expenses for the removal of wrecks from the Albany basin."

"An act prescribing fire limits in the village of Newburgh."

"An act to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies," passed April 12, 1848.

*Ordered,* That said bills be transmitted to the Governor.

The bill from the Assembly entitled, "An act to abolish the mayor's court of the city of Rochester," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Johnson
Mr. Betts	Mr. Fox	Mr. Lawrence
Mr. Bokee	Mr. Fuller	Mr. Little
Mr. Bond	Mr. Geddes	Mr. Smith
Mr. Colt	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Cook	Mr. W. Hall	Mr. Whallon
Mr. Cornwell		

19

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to provide for the formation of insurance companies," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Fuller	Mr. Tamblin
Mr. Cole	Mr. Geddes	Mr. Whallon
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook	Mr. W. Hall	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

Mr. Wilkin, from the committee on the judiciary, reported in favor, with amendments, of the passage of the bill from the Assembly entitled "An act to authorise the election of local officers to discharge the duties of county judge and surrogate in the counties of Orange, Chautauque, Cayuga, St. Lawrence, Tioga and Dutchess."

The President put the question upon agreeing to said amendments, and it was decided in the affirmative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Fine	Mr. Hawley
Mr. Betts	Mr. Floyd	Mr. Johnson
Mr. Bond	Mr. Fox	Mr. Lawrence
Mr. Cole	Mr. Fuller	Mr. Tamblin
Mr. Cook	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cornwell	Mr. W. Hall	Mr. Wilkin
		18

*Ordered*, That the clerk return said bill to the Assembly, informing them of the action of the Senate thereon.

The bill from the Assembly entitled, "An act to prevent the destruction of the woodlands in Suffolk county by fire," having been taken from the table.

On motion of Mr. Floyd,

Said bill was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Fine	Mr. Lawrence
Mr. Betts	Mr. Floyd	Mr. Little
Mr. Bokee	Mr. Fox	Mr. Smith
Mr. Bond	Mr. Fuller	Mr. Tamblin
Mr. Clark	Mr. Geddes	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Wilkin
Mr. Cook	Mr. Johnson	
		20

**FOR THE NEGATIVE.**

Mr. Cole	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A message was received from the Assembly, informing that they had passed, without amendment, the following bills :

"An act to continue in force and to incorporate an association for the relief of respectable aged indigent females in the city of New-York," passed March 10, 1845."

unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A message was received from the Assembly informing that they had passed, with the amendments therewith delivered, the bill entitled, "An act to amend an act entitled, 'An act to provide for the incorporation and regulation of Telegraph companies,' passed April 12, 1848."

*Ordered*, That said bill be referred to the committee on the judiciary.

A message was received from the Assembly informing that they had passed the following bills without amendment:

"An act to incorporate the Sandlake mutual protection against horse thieves."

"An act making an appropriation for the payment of charges and expenses for the removal of wrecks from the Albany basin."

"An act prescribing fire limits in the village of Newburgh."

"An act to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies," passed April 12, 1848.

*Ordered*, That said bills be transmitted to the Governor.

The bill from the Assembly entitled, "An act to abolish the mayor's court of the city of Rochester," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Johnson
Mr. Betts	Mr. Fox	Mr. Lawrence
Mr. Bokee	Mr. Fuller	Mr. Little
Mr. Bond	Mr. Geddes	Mr. Smith
Mr. Colt	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Cook	Mr. W. Hall	Mr. Whallon
Mr. Cornwell		

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to provide for the formation of insurance companies," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Fuller	Mr. Tamblin
Mr. Cole	Mr. Geddes	Mr. Whallon
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook	Mr. W. Hall	

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

Mr. Wilkin, from the committee on the judiciary, reported in favor, with amendments, of the passage of the bill from the Assembly entitled "An act to authorise the election of local officers to discharge the duties of county judge and surrogate in the counties of Orange, Chautauque, Cayuga, St. Lawrence, Tioga and Dutchess."

The President put the question upon agreeing to said amendments, and it was decided in the affirmative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Fine	Mr. Hawley
Mr. Betts	Mr. Floyd	Mr. Johnson
Mr. Bond	Mr. Fox	Mr. Lawrence
Mr. Cole	Mr. Fuller	Mr. Tamblin
Mr. Cook	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cornwell	Mr. W. Hall	Mr. Wilkin
		18

*Ordered*, That the clerk return said bill to the Assembly, informing them of the action of the Senate thereon.

The bill from the Assembly entitled, "An act to prevent the destruction of the woodlands in Suffolk county by fire," having been taken from the table.

On motion of Mr. Floyd,

Said bill was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Fine	Mr. Lawrence
Mr. Betts	Mr. Floyd	Mr. Little
Mr. Bokee	Mr. Fox	Mr. Smith
Mr. Bond	Mr. Fuller	Mr. Tamblin
Mr. Clark	Mr. Geddes	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Wilkin
Mr. Cook	Mr. Johnson	
		20

**FOR THE NEGATIVE.**

Mr. Cole	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A message was received from the Assembly, informing that they had passed, without amendment, the following bills :

"An act to continue in force and to incorporate an association for the relief of respectable aged indigent females in the city of New-York," passed March 10, 1845."

"An act to amend an act entitled 'An act incorporating the University of the city of New-York,' passed April 18, 1829."

"An act for the relief of Lydia Harden, an Indian woman."

"An act in relation to certain highways in the towns of Somers and North Salem, in the county of Westchester."

*Ordered*, That said bills be delivered to the Governor.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled "An act to amend an act entitled 'An act for increasing the number of justices in the Superior Court of the city of New-York, and for extending the jurisdiction of that court, passed March 24, 1849,'" which was committed to the committee of the whole.

Mr. Johnson, (on behalf of Mr. Frost,) from the select committee, reported complete the bill entitled "An act to authorise and direct the surrogate of the city of New-York to admit to probate and record the last will and testament of William H. Taylor, deceased."

*Ordered*, That said bill do have its third reading.

On motion of Mr. Fuller,

The vote of the Senate agreeing to the report of the committee of the whole on the bill entitled "An act to incorporate the Albany Hospital," was reconsidered, and the bill laid on the table.

Mr. Cornwell, from the committee on railroads, reported in favor of the passage of the bill entitled "An act to amend the act incorporating the Harlem Railroad Company," passed May 7, 1840.

*Ordered*, That said bill do have its third reading.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act to repeal the charter of the Croton Turnpike Company," which was committed to the committee of the whole.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled "An act relating to highways in the town of Greenburgh," which was committed to the committee of the whole.

Mr. Smith from, the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled "An act to provide for laying out and constructing the Warren and Hamilton county road," which was committed to the committee of the whole.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled "An act to authorise highway labor to be expended on the sidewalks of a plank road in the town of Onondaga, in the county of Onondaga," which was committed to the committee of the whole.

Mr. Johnson, from the select committee, reported complete the bill entitled "An act for the benefit of the Indians, and adopting them as citizens."

On motion of Mr. Johnson,

*Ordered*, That this bill be made the special order for Monday.

On motion of Mr. Johnson,

*Ordered*, That the memorial of Major John Jacobs, a Cayuga Sachem, as to the Cayuga annuities, be referred to the Commissioners of the Land Office.

Mr. Floyd, from the committee on claims, reported in favor of the passage of the bill from the Assembly entitled, "An act to provide for the appraisal and payment of canal damages to David Van Alstine," which was committed to the committee of the whole.

Mr. Lawrence, from the committee on finance, reported for the consideration of the Senate the bill entitled, "An act to amend an act entitled, 'An act to amend the Revised Statutes in relation to the Marine Hospital and its funds,' passed May 7, 1844," which was committed to the committee of the whole.

Mr. Bokee, from the select committee, reported complete the bill entitled, "An act concerning the salaries or compensation of the superintendents of the poor of the county of Kings."

*Ordered,* That said bill do have its third reading.

Mr. Floyd, from the committee on claims, reported adverse to the passage of the bill from the Assembly entitled, "An act to authorize the appraisal and payment of canal damages to William P. Mansfield," which was committed to the committee of the whole.

Mr. Floyd, from the committee on claims, reported adverse to the passage of the bill from the Assembly entitled, "An act to provide for the appraisal and payment of canal damages to Charles Ehle," which was committed to the committee of the whole.

A message was received from the Assembly informing that they had passed with the amendments therewith delivered, the bill entitled "An act to amend chapter 480 of the Session Laws of 1847, entitled 'An act relative to the office of town superintendent of common schools and amendatory of the Revised Statutes, entitled 'Of public instruction,' passed Dec. 15, 1847.'"

*Ordered,* That said bill and amendments be referred to the committee on literature.

Mr. W. Hall, from the select committee, reported complete the bill entitled "An act making further provisions for the organization of the militia, and to amend the act passed May 13, 1847, entitled 'An act to provide for the enrolment of the militia and to encourage the formation of uniform companies, excepting the first military division of this state.'"

*Ordered,* That said bill do have its third reading.

Mr. Bokee, from the select committee, reported complete the bill entitled, "An act to amend an act entitled, 'An act to provide for the election of county treasurers and fix their term of office.'"

*Ordered,* That said bill do have its third reading.

Mr. Bokee, from the select committee, to report complete the bill entitled "An act to declare the validity of the election of Ebenezer W. Peck as county treasurer of the county of Kings and fix his term of office," reported that in the judgment of the committee the said bill ought not to become a law.

The President put the question upon agreeing to said report, and it was decided in the affirmative.

*Ordered,* That said bill be rejected.

Mr. Cole, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to cede to the United States sufficient land in the Hudson river near



Tarrytown Point on which to erect a beacon light," which was committed to the committee of the whole.

Mr. Cole, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to confirm the official acts of Jacob A. Crounse, town superintendent of common schools of the town of Schoharie," which was committed to the committee of the whole.

Mr. Johnson, (on behalf of Mr. Frost,) from the committee on commerce and navigation, reported in favor of the passage of the bill from the Assembly entitled "An act to authorise Edward Mitchell to build a dock in the town of North Hempstead, in Queens county," which was committed to the committee of the whole.

Mr. Johnson, from the select committee, reported complete the bill entitled "An act for the establishment of a workhouse for the employment of persons committed to the city prison and alms house in the city of New-York."

*Ordered,* That said bill do have its third reading.

Mr. Johnson, (on behalf of Mr. Frost,) from the committee on charitable and religious societies, reported in favor of the bill from the Assembly entitled "An act to amend an act entitled 'An act to incorporate the members of the New-York Institution for the Instruction of the Deaf and Dumb, passed April 15, 1847,'" which was committed to the committee of the whole.

Mr. Johnson, (on behalf of Mr. Frost,) from the committee on charitable and religious societies, reported in favor of the passage, of the bill from the Assembly entitled "An act to amend an act entitled 'An act to provide for sick and disabled seamen, passed April 22, 1831,'" which was committed to the committee of the whole.

Mr. Cole, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act to legalise the acts of the trustees of the Baptist church and congregation of the towns of Southport and Elmira," which was committed to the committee of the whole.

Mr. Cole, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled "An act to secure the payment of wages to day laborers employed on the canals and other public works of this State," which was committed to the committee of the whole.

Mr. Fuller offered for the consideration of the Senate the following resolution:

*Resolved,* That the papers in reference to the application of the Harlem Railroad to build a bridge, be referred to the Attorney-General, and that he be requested to inform the Senate, whether in his opinion, the New-York and Harlem Railroad Company did or did not waive the right to build a bridge across the Harlem river, under the act passed May 7, 1840, by purchasing the bridge they now use, also in whom the title to the said bridge vests.

The President put the question upon agreeing to said resolution, and it was decided in the negative.

Mr. Cornwell, from the committee on railroads, to which was referred the bill from the Assembly entitled, "An act to authorise Gilbert Smith to surrender his old stock of the New-York and Erie Railroad and to receive new stock therefor," reported said bill amended and with the title altered so as to read "An act to authorise the surrender of old stock of the New-York and Erie railroad and to receive new stock therefor."

On motion of Mr. S. H. P. Hall,

*Ordered*, That said bill do have its third reading.

By unanimous consent,

Mr. Clark introduced a bill entitled "An act to authorise the Governor of this state to renew by proclamation, if in his judgment it shall be deemed expedient so to do, an act for preservation of the public health," passed June 22, 1832.

*Ordered*, That said bill be engrossed for a third reading.

And then the several orders of business were laid on the table till the order of motions and resolutions.

Mr. Cornwell gave notice that he would on Monday next, and on each succeeding day of this session, move to suspend the 16th rule of the Senate, also the several rules of the Senate or each and every of them, also each of the several joint rules of the Senate and Assembly.

And there not being a quorum of the Senate in attendance,

On motion of Mr. Cornwell,

A call of the Senate was ordered, and the doors closed.

When the doors were opened,

On motion of Mr. Fuller,

*Resolved*, That on and after Monday next the Senate will meet at 9 o'clock, A. M.

And then the Senate adjourned till 9 o'clock on Monday morning.

MONDAY, 9, O'CLOCK A. M., APRIL 9, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Waggoner.

The Journal of Saturday was read and approved.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled "An act to incorporate the North Haverstraw and Grassy Point Turnpike Company."

On motion of Mr. Smith,

*Ordered*, That said bill do have its third reading.

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Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill introduced by Mr. Bond, entitled "An act in relation to the Salmon river Plank Road Company," which was committed to the committee of the whole.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled "An act to authorise the building of a free bridge across the Mohawk river, between the towns of St. Johnsville and Minden," which was committed to the committee of the whole.

Mr. Martin, from the committee on canals, reported adverse to the passage of the bill from the Assembly entitled "An act for the appraisal and payment of canal damages to Merritt H. Brown and others," which was committed to the committee of the whole.

Mr. Smith, from the committee on roads and bridges, reported adverse to the passage of the bill from the Assembly entitled "An act to amend an act to authorise the Schoharie Turnpike Company to abandon a part of their road," passed February 16, 1849, which was committed to the committee of the whole.

Mr. Smith, from the committee on roads and bridges, reported adverse to the passage of the bill from the Assembly entitled "An act to provide for the appraisal and payment of damages to the roads of the town of Moreau," which was committed to the committee of the whole.

Mr. Cook, from the committee on banks and insurance companies, reported adverse to the passage, with amendment, of the bill from the Assembly entitled, "An act amendatory of the act entitled 'An act to authorise the business of banking, passed April 18, 1838,' and the acts amendatory thereof," and recommended that the Senate do non-concur with the same.

The President put the question upon agreeing to said amendment, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Floyd

1

#### FOR THE NEGATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Brownson  
Mr. Clark  
Mr. Cook  
Mr. Fox

Mr. Frost  
Mr. Fuller  
Mr. Geddes  
Mr. S.H. P. Hall  
Mr. W. Hall  
Mr. Johnson  
Mr. Lawrence

Mr. Little  
Mr. Martin  
Mr. Smith  
Mr. Tamblin  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

21

On motion of Mr. Cook,

*Ordered*, That a committee of conference be requested on the matters in difference between the two houses on this bill, and that if the Assembly do so agree, that Messrs Cook, Little and Smith be said committee on the part of the Senate:

Mr. Wilkin, from the committee on the judiciary, reported for the consideration of the Senate a bill entitled "An act to enable Mary McNulty and Jane Coughlin, to take, hold and convey certain real estate," which was committed to the committee of the whole.

Mr. Wilkin, from the committee on the judiciary, reported adverse to the passage of the bill introduced by Mr. Clark, entitled, "An act to repeal the 1st and 2d sections of article 1, title 2, chapter 4, of the 3d part of the Revised Statutes," which was committed to the committee of the whole.

Mr. Wilkin, from the select committee, reported complete with an amendment the bill entitled "An act in relation to the Court of Appeals."

*Ordered*, That said bill do have its third reading.

Mr. Fuller, from the committee on canals, reported in favor of the passage of the bill from the Assembly entitled "An act to secure the faithful performance of contracts with the State."

On motion of Mr. Fuller,

*Ordered*, That this bill be referred to the committee of the whole having in charge the bill entitled "An act in relation to the canals and canals damages."

Mr. Johnson, from the committee on Indian affairs, reported a bill entitled "An act in reference to the new government of the Indians on the Cattaraugus and Allegany reservations."

On motion of Mr. Johnson,

*Ordered*, That said bill be engrossed for a third reading.

Mr. Fuller, from the committee on canals, reported in favor of the passage of the bill from the Assembly entitled "An act authorising the Canal Commissioners to build a bridge over the Champlain canal, north of the guard lock upon the lands of Jonathan Polly in the town of Whitehall."

On motion of Mr. Fuller,

*Resolved*, That said bill be referred to a select committee to report complete.

*Ordered*, That Mr. Cook, Mr. Fox and Mr. Treadwell be such committee.

Mr. Bokee, from the committee on the incorporation of cities and villages, to which was referred the amendments of the Assembly to the bill entitled "An act to change the commissioners' map of the city of Brooklyn," reported in favor of concurring with all the amendments of the Assembly, except such amendment as strikes out the 7th section.

The President put the question upon agreeing to said several amendments except in relation to the seventh section, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Brownson

Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Frost

Mr. W. Hall  
Mr. Johnson  
Mr. Lawrence  
Mr. Little

Mr. Clark	Mr. Fuller	Mr. Smith	
Mr. Cook	Mr. Geddes	Mr. Treadwell	
Mr. Cornwell	Mr. S. H. P. Hall	Mr. Whallon	21

## FOR THE NEGATIVE.

Mr. Hawley	1
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And then the question coming on concurring with the striking out the 7th section.

The President put the question upon agreeing to said amendment, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Johnson	Mr. Smith	
Mr. Frost	Mr. Lawrence	Mr. Treadwell	
Mr. Hawley			7

## FOR THE NEGATIVE.

Mr. Betts	Mr. Cornwell	Mr. S. H. P. Hall	
Mr. Bokee	Mr. Fine	Mr. W. Hall	
Mr. Bush	Mr. Fox	Mr. Tamblin	
Mr. Cole	Mr. Fuller	Mr. Whallon	
Mr. Cook	Mr. Geddes		14

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

Mr. Fuller, from the committee on canals, reported in favor of the passage of the bill from the Assembly entitled, "An act in relation to the Oneida Lake canal," which was committed to the committee of the whole.

On motion of Mr. Geddes,

The vote indefinitely postponing the Assembly bill entitled "An act to regulate the taking of oysters, clams and other shell fish in the bays and barbers in the town of North Hempstead, Queens co.," was reconsidered and the bill committed to a select committee to report complete.

*Ordered*, That Mr. Geddes, Mr. Cornwell and Mr. S. H. P. Hall be such committee.

Mr. Geddes, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled, "An act to extend the time for the collection of taxes in the town of Ticonderoga, in Essex county."

*Ordered*, That said bill do have its third reading.

Mr. Fox, from the committee on the erection and division of towns and counties, reported in favor of the passage of the bill from Assembly entitled, "An act to erect the town of Rakowana from the towns of Cheektowaga, Black Rock and Hamburgh," which was committed to the committee of the whole.

Mr. Geddes, from the committee on roads and bridges, reported

in favor of the passage of the bill from the Assembly entitled, "An act to amend an act to subject monied or stock corporations to assessment for highway labor," passed May 15, 1837, which was committed to the committee of the whole.

Mr. Geddes, from the committee on roads and bridges, reported adverse to the passage of the bill from the Assembly entitled, "An act to provide for the construction of a plank road from the village of Homer to the village of Cortland," which was committed to the committee of the whole.

A bill was received from the Assembly for concurrence entitled, "An act authorising the appraisal and payment of canal damages to Wm. H. Williams," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

A bill was received from the Assembly for concurrence entitled, "An act to review and amend the act to appoint commissioners to lay out and construct a road from Cannonsville in the town of Tompkins, in the county of Delaware, to Shehocking in the town of Hancock, in said county," passed April 19, 1828, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A bill was received from the Assembly for concurrence entitled, "An act to change the name of the Washington manufacturing company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

A bill was received from the Assembly for concurrence entitled, "An act to authorise the settlement of the claims of the first Christian party of Oneida Indians," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to incorporate the Liberty Normal Institute," passed April 12, 1848, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the North Haverstraw and Grassy Point Bridge Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

A message was received from the Assembly informing that they have concurred in the amendments of the Senate to the bill entitled, "An act relative to the expenses incurred in preserving law and order in the county of Dutchess," and amended the same accordingly.

*Ordered,* That said bill be delivered to the Governor.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act in settlement of the claims of the first Christian party of Oneida Indians," and amended the same accordingly.

*Ordered*, That said bill be delivered to the Governor.

The special order, being the question on the final passage of the bill entitled "An act to amend the act providing for the construction of a railroad from the navigable waters of the Great Western Lakes to Lake Champlain," passed 1831, was then considered, and the said bill was read a third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. Cornwell	Mr. Smith	
Mr. Bokee	Mr. Fine	Mr. Tamblin	
Mr. Bond	Mr. Geddes	Mr. Treadwell	
Mr. Bush	Mr. Lawrence	Mr. Wilkin	12

**FOR THE NEGATIVE.**

Mr. Adams	Mr. Cook	Mr. W. Hall	
Mr. Brownson	Mr. Floyd	Mr. Johnson	
Mr. Clark	Mr. Fox	Mr. Little	
Mr. Cole	Mr. Frost	Mr. Whallon	12

On motion of Mr. Fine,

*Ordered*, That this vote be reconsidered, and that the bill be laid on the table.

Mr. Clark, from the committee on claims, reported in favor of the passage of the bill from the Assembly entitled, "An act authorising the appraisal and payment of canal damages to Perkins E. Hayes," which was committed to the committee of the whole.

The President laid before the Senate the report of the Chief Engineer and Surveyor, in answer to a resolution of the Senate of the 5th April, 1849, which was read and referred to the committee on railroads.

Mr. Clark, from the committee on claims, reported in favor of the passage of the bill from the Assembly entitled "An act to authorise the appraisal and payment of canal damages to Luke P. Babcock, Charles J. Elliott and others," which was committed to the committee of the whole.

Mr. W. Hall, from the select committee consisting of the Senators from the 1st, and 2d judicial districts, reported complete the bill entitled "An act to incorporate the Williamsburgh Ferry Company."

*Ordered*, That said bill do have its third reading.

Mr. Adams, from the select committee, reported complete the bill entitled "An act to amend the charter of the Fallsburgh and Liberty Turnpike Road Company."

*Ordered*, That said bill do have its third reading.

Mr. Fine, from the select committee, reported complete the bill entitled "An act to amend an act to incorporate the village of Potsdam," passed March 3, 1831.

*Ordered*, That said bill do have its third reading.

Mr. Cook, from the select committee, reported complete the bill entitled "An act authorising the Canal Commissioners to build a bridge over the Champlain canal, north of the guard lock, upon the lands of Jonathan Polly in the town of Whitehall."

*Ordered*, That said bill do have its third reading.

Mr. Johnson, from the select committee, reported complete the bill entitled "An act to incorporate the New-York and Liverpool United States Mail Steamship Company."

*Ordered*, That said bill do have its third reading.

Mr. S. H. P. Hall, from the select committee, reported complete the bill entitled "An act to amend an act for the better regulation of the county and State prisons of this State, and consolidating and amending the existing laws in relation thereto," passed December 14, 1847.

*Ordered*, That said bill do have its third reading.

Mr. Bond, from the select committee, reported complete the bill entitled "An act in relation to the trustees of the village of Oneida, in the county of Madison."

*Ordered*, That said bill do have its third reading.

Mr. Bond, from the select committee, reported complete the bill entitled "An act in relation to the site of the county jail to be built in the city of Oswego."

*Ordered*, That said bill do have its third reading.

A message was received from the Assembly informing that they had passed, with the amendment therewith delivered, the bill entitled "An act to incorporate the Rockton Hydraulic Company."

The President put the question upon agreeing to said amendment, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Lawrence
Mr. Betts	Mr. Floyd	Mr. Little
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Bond	Mr. Frost	Mr. Smith
Mr. Brownson	Mr. Fuller	Mr. Tamblin
Mr. Clark	Mr. Geddes	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cook	Mr. Johnson	Mr. Wilkin
Mr. Cornwell		

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

Mr. S. H. P. Hall, from the select committee of eight, appointed to select such bills as they thought proper to be referred to select committees to report complete, reported the following bills, which were severally referred to select committees, as follows :

"An act to authorise the Canal Commissioners to settle with Hubbard Burdick for work done on the Erie canal," to Messrs Bush, Bond and Fox.

"An act to provide for building a bridge across the outlet of Crook-



ed lake, in the town of Milo," to Messrs Cornwell, Betts and Bo-  
kee.

"An act to provide for constructing and laying out the Warren  
and Hamilton county road," to Messrs Whallon, Treadwell and  
Fox.

"An act to repeal an act to appoint commissioners to lay out a  
road from Palatine bridge in Montgomery county, through Palatine,  
Ephratah, Pleasant Valley and Garoga, to lands belonging to the  
State in the county of Fulton," to Messrs Smith, Adams and Bond.

"An act to amend an act to incorporate the village of Potsdam,"  
passed March 3, 1831, to Messrs Fine, Fox and Bush.

"An act to amend an act for the better regulation of the county  
and State prisons of the State, and consolidating and amending the  
existing laws in relation thereto," passed December 14, 1847, to  
Messrs S. H. P. Hall, Bond and Betts.

"An act to amend an act to incorporate the village of Palmyra,  
in the county of Wayne," passed March 27, 1847, to Messrs Corn-  
well, Bond and Hawley.

"An act to amend an act entitled 'An act to incorporate the mem-  
bers of the New-York Institution for the Instruction of the Deaf  
and Dumb, passed April 15, 1847,'" to Messrs Johnson, Frost and  
Smith.

"An act in relation to a street called Navy-Street, in the fifth  
ward of the city of Brooklyn," to Messrs Bokee, Bond and Smith.

"An act authorising the Comptroller to receive the returns of cer-  
tain unpaid taxes on non-resident lands in the county of Cortland,  
for the year 1846," to Messrs S. H. P. Hall, Bush and Betts.

"An act to change the time of the annual meeting of the board  
of Supervisors of the county of Wyoming," to Messrs Brownson,  
Betts and Wilkin.

"An act in relation to claims against the county of Albany," to  
Messrs Treadwell, Fox and Betts.

"An act for the removal of the Hallenbake burying ground, si-  
tuate in the city of Albany," to Messrs Treadwell, Bokee and Bond.

"An act to secure the payment of wages to day laborers employ-  
ed on the canals and other public works of this state," to Messrs  
Wilkin, Betts and Fox.

"An act to cede to the United States sufficient land in the Hudson  
river near Tarrytown point on which to erect a beacon light," to  
Messrs Wilkin, Smith and Treadwell.

"An act in relation to the site of the county jail to be built in the  
city of Oswego," to Messrs Bond, Betts and Johnson.

"An act in relation to the trustees of the village of Oneida, in the  
county of Madison," to Messrs Bond, Clark and Adams.

"An act to amend the act entitled 'An act to provide for the in-  
corporation of villages,' passed Dec. 7, 1847, so far as relates to  
the village of Cohoes and Fultonville," to Messrs Treadwell, Fox  
and Clark.

Mr. Treadwell, from the select committee, reported complete the  
bill entitled "An act relating to claims against the county of Albany."

*Ordered*, That said bill do have its third reading.

Mr. Cornwell, from the select committee, reported complete, the bill entitled "An act to amend the act to incorporate the village of Palmyra, in the county of Wayne," passed March 29, 1827.

*Ordered*, That said bill do have its third reading.

Mr. Treadwell, from the select committee, reported complete the bill entitled "An act for the removal of the Hallenbeck burial ground situate in the city of Albany."

*Ordered*, That said bill do have its third reading.

Mr. Cornwell, from the select committee, reported complete the bill entitled "An act to provide for building a bridge across the outlet of Crooked Lake, in the town of Milo."

*Ordered*, That said bill do have its third reading.

Mr. Treadwell, from the select committee, reported complete the bill entitled "An act to amend the act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Cohoes and Fultonville."

*Ordered*, That said bill do have its third reading.

Mr. Brownson, from the select committee, reported complete the bill entitled "An act to change the time of the annual meeting of the board of supervisors of the county of Wyoming."

*Ordered*, That said bill do have its third reading.

Mr. Smith, from the select committee, reported complete the bill entitled "An act to cede to the United States sufficient land in the Hudson river near Tarrytown point on which to erect a beacon light."

*Ordered*, That said bill do have its third reading.

Mr. S. H. P. Hall, from the select committee, reported complete the bill entitled "An act to authorise the Comptroller to receive the returns of certain unpaid taxes on non-resident lands in the county of Cortland for the year 1846."

*Ordered*, That said bill do have its third reading.

Mr. Johnson, from the select committee, reported complete the bill entitled "An act to amend an act entitled, 'An act to incorporate the members of the New-York Institution for the instruction of the Deaf and Dumb,' passed April 15, 1837."

*Ordered*, That said bill do have its third reading.

Mr. Whallon, from the select committee, reported complete the bill entitled "An act to amend the charter of the Albany Hydrant Company in the city of Albany."

*Ordered*, That said bill do have its third reading

Mr. Whallon, from the select committee, reported complete the bill entitled "An act to provide for laying out and constructing the Warren and Hamilton county road."

*Ordered*, That said bill do have its third reading.

Mr. Bokee, from the select committee appointed to investigate the affairs of the Canal Bank, introduced a bill entitled "An act to limit and regulate the compromise of debts by receivers of corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bokee, from the select committee appointed to investigate the affairs of the Canal Bank, introduced a bill entitled "An act in re-

lation to bank officers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

Mr. Bokee, from the select committee appointed to investigate the affairs of the Canal Bank, introduced a bill entitled "An act to amend the statute defining embezzlement," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bokee, from the select committee appointed to investigate the affairs of the Canal Bank, introduced a bill entitled "An act for the safe keeping and investment of the funds of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on finance.

A bill was received from the Assembly for concurrence entitled "An act to incorporate the Miniseongo Ferry Company," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act for the establishment and regulation of the police of the city of New-York," passed May 13, 1846, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled 'An act to authorise the formation of railroad corporations, passed March 27, 1848,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

A bill was received from the Assembly for concurrence entitled, "An act to incorporate the New-York and Greenwood Ferry Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act to incorporate the Liberty Normal Institute," passed April 12, 1848, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on literature.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the following bills :

"An act to appoint commissioners to lay out a road in the towns of Gravesend, New Utrecht and Flatbush.

"An act concerning the library of the late Court of Chancery and the Supreme Court, and for locating and increasing the same."

"An act to incorporate the Mariner's Family Industrial Society of the port of New-York," and had amended the said bills accordingly.

A message was received from the Assembly, informing that they had passed, without amendment, the following bills :

"An act to declare the public use of a railroad from Sackett's

Harbor, in the county of Jefferson, to the town of Ellisburgh, in the same county."

"An act to declare the public use of a railroad from some eligible point in the Saratoga and Washington railroad, to Plattsburgh."

*Ordered*, That said bills be transmitted to the Governor.

A bill was received from the Assembly for concurrence entitled, "An act to amend the act to incorporate the village of Pulaski, in the county of Oswego," passed April 26, 1832, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

A bill was received from the Assembly for concurrence entitled, "An act in relation to pardons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the establishment of a special hospital at Sandy Hook," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Treadwell, from the committee on roads and bridges, reported in favor of the passage of the bill from the Assembly entitled, "An act authorising the commissioners of highways in the towns of Marbletown and Rosendale, in the county of Ulster, to complete laying out and to open a road in said towns," which was committed to the committee of the whole.

On motion of Mr. Geddes,

The vote ordering the indefinite postponement of the bill from the Assembly entitled "An act to regulate the taking of oysters, clams and other shell fish in the bays and harbors in the town of North Hempstead, Queens co.," having been reconsidered, and the same having been referred to the committee on the internal affairs of towns and counties,

Mr. Geddes, from said committee, reported the said bill complete with an amendment.

*Ordered*, That said bill do have its third reading.

On motion of Mr. Johnson,

The Senate proceeded to the consideration of the question of agreeing with the report of the committee of the whole on the bill entitled "An act providing for the appointment of referees in the city of New-York."

The President then put the question upon agreeing to said report, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Bokee  
Mr. Bond  
Mr. Clark  
Mr. Cornwell  
Mr. Fuller

Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Johnson  
Mr. Lawrence

Mr. Martin  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

## FOR THE NEGATIVE.

Mr. Betts  
Mr. Bush  
Mr. Cook

Mr. Fine  
Mr. Floyd  
Mr. Geddes

Mr. Hawley  
Mr. Smith

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*Ordered,* That said bill do have its third reading.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
April 7, 1849. }

To the SENATE,—

I have this day approved and signed the following bills :

“An act in relation to the erection of gas light fixtures in the city of Troy.”

“An authorising the Governor, Comptroller and Secretary of State to audit the accounts of counsel in the cause of Smith vs. William Turner in the Supreme court of the United States.”

“An act to remit any liabilities and forfeitures incurred by Benjamin W. Corwin, of Mount Hope, in the county of Orange, by acting as a justice of the peace.”

“An act to authorise the board of supervisors of Columbia county to purchase a piece of land.”

“An act in relation to a railroad from Lewiston to Niagara Falls.”

“An act to declare the public use of a railroad from Plattsburgh to the Canada line.”

“An act to amend the act entitled ‘An act in relation to railroad corporations.’”

“An act in relation to suits by and against joint stock companies and associations.”

“An act in relation to the Fabius select school, in the county of Onondaga.”

“An act to continue in force and to incorporate an association for the relief of respectable aged indigent females in the city of New-York,” passed March 10, 1815.”

“An act in relation to certain highways in the towns of Somers and North Salem, in the county of Westchester.”

“An act for the relief of Lydia Harden, an Indian woman.”

“An act to amend an act entitled ‘An act incorporating the University of the city of New-York,’ passed April 18, 1829.”

“An act to incorporate the Sandlake association for mutual protection against horse thieves.”

“An act making an appropriation for the payment of charges and expenses for the removal of wrecks from the Albany basin.”

“An act prescribing the fire limits in the village of Newburgh.”

“An act to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies,” passed April 12, 1848.

“An act in relation to the Natural History of the State of New-York.”

HAMILTON FISH.

Mr. W. Hall, from the committee on militia, reported in favor of the passage of the bill from the Assembly entitled, "An act to organize a separate battalion in the county of Richmond," which was committed to the committee of the whole.

Mr. Smith, from the committee on roads and bridges, reported in favor of the passage of the bill entitled "An act relative to the Prattsville turnpike road," which was committed to the committee of the whole.

On motion of Mr. Treadwell,

The Senate proceeded to the consideration of the question of agreeing with the report of the committee on the bill entitled "An act in relation to the prices hereafter to be charged for vessels landing at the pier on the east side of the city of Albany."

On motion of Mr. Smith,

*Ordered*, That said bill be referred to the committee on the judiciary.

On motion of Mr. Cook,

The Senate then proceeded to the consideration of the report of the committee of conference on the matters in difference between the two Houses, on the joint resolution relative to furnishing to the Governor certain copies of the public documents, and the said resolution and report was referred to a select committee.

*Ordered*, That Mr. Cook, Mr. Bond and Mr. Betts be such select committee.

On motion of Mr. Tamblin,

*Resolved*, That the act to authorise the town of Lyme to build a bridge over Chaumont river and to borrow money for that purpose, and the act to erect the town of Cape Vincent in the county of Jefferson, be referred to select committees to report complete.

Mr. Hawley offered for the consideration of the Senate the following resolutions:

*Resolved*, That members of the Legislature are not entitled to a per diem allowance while absent from their seats, unless such absence be caused by sickness or unavoidable accident.

*Resolved*, That members of the present Senate be and they are hereby requested to furnish the Senate with an account of the time they have respectively been absent during the present session, together with the cause of such absence.

Mr. Cook moved that said resolutions be laid on the table.

The President put the question upon agreeing to lay said motion on the table, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts  
Mr. Bokee  
Mr. Bond  
Mr. Brownson  
Mr. Bush  
Mr. Clark  
Mr. Cook

Mr. Fine  
Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. Geddes  
Mr. S. H. P. Hall  
Mr. W. Hall

Mr. Johnson  
Mr. Lawrence  
Mr. Little  
Mr. Martin  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

## FOR THE NEGATIVE.

Mr. Floyd	Mr. Hawley	Mr. Smith	3
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Mr. Cole offered for the consideration of the Senate the following resolution :

*Resolved*, (if the Assembly concur,) That Anthony L. Robinson, one of the commissioners of the code appointed in pursuance of the seventeenth section of the first article of the Constitution, having drawn his salary but hitherto neglected to discharge the duties of his office, be and he is hereby removed from his said office of commissioner of the code.

Which, under the rules, lies over for one day.

Mr. Clark, from the committee on claims, reported in favor of the passage of the bill from the Assembly entitled, "An act to provide for the re-appraisal and payment of canal damages to James Folts," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill entitled "An act to repeal the act incorporating the village of Ovid, in the county of Seneca," passed April 17, 1816, which was committed to the committee of the whole.

Mr. Wilkin offered for the consideration of the Senate the following resolution :

*Resolved*, That no member shall be allow to speak longer than 10 minutes on any question before the Senate.

The President put the question upon agreeing to said resolution, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fox	Mr. Lawrence	
Mr. Bokee	Mr. Fuller	Mr. Martin	
Mr. Bond	Mr. Geddes	Mr. Tamblin	
Mr. Brownson	Mr. S. H. P. Hall	Mr. Treadwell	
Mr. Cook	Mr. W. Hall	Mr. Wilkin	
Mr. Fine	Mr. Hawley		17

## FOR THE NEGATIVE.

Mr. Bush	Mr. Cornwell	Mr. Smith	
Mr. Clark	Mr. Floyd	Mr. Whallon	
Mr. Cole			7

Mr. Wilkin called for the second reading of the bill entitled "An act to appoint commissioners further to revise, reform, simplify and abridge the rules, practice, pleadings, forms and proceedings of the courts of record of this State, and Commissioners of the Code, pursuant to the 17th section of the first article of the Constitution."

By unanimous consent,

Said bill was read by the title thereof.

Mr. Wilkin moved that said bill be referred to the committee on

the judiciary, associated with Mr. Fuller and Mr. Hawley, to report complete.

Mr. Johnson moved that the further consideration of said bill be postponed until the 4th day of July next.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows:

FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Clark	Mr. Lawrence	
Mr. Bush	Mr. Johnson	Mr. Little	6

FOR THE NEGATIVE.

Mr. Betts	Mr. Floyd	Mr. Martin	
Mr. Bond	Mr. Fox	Mr. Smith	
Mr. Brownson	Mr. Fuller	Mr. Tamblin	
Mr. Cole	Mr. Geddes	Mr. Treadwell	
Mr. Cook	Mr. S. H. P. Hall	Mr. Whallon	
Mr. Cornwell	Mr. W. Hall	Mr. Wilkin	
Mr. Fine	Mr. Hawley		20

Mr. Clark moved that the further consideration of the bill be indefinitely postponed.

The President put the question upon agreeing to said motion, and it was decided in the negative.

And then said bill was referred to the select committee as stated by Mr. Wilkin, to report complete.

On motion of Mr. Geddes,

*Resolved*, That immediately after the reading of the Journal tomorrow, the Senate will commence the third reading of bills and continue to read until all the bills then ready are read.

Mr. Floyd offered for the consideration of the Senate the following resolutions:

*Resolved*, That the fact that the President of the United States is the owner of a large number of slaves—the fact that he has formed his cabinet so as to give a preponderance in its councils to the slave power—the fact that the appointment to office thus far indicate a determination to protect and extend the slaveholding interest—all admonish the opponents of the extension of slavery to renewed watchfulness and activity.

*Resolved*, That in behalf of the people of the state of New-York, we hereby "evinced a deliberate purpose to prevent the formation of any civil government in California or New Mexico," which does not prohibit the introduction of slaves and the institution of slavery upon the free soil of those countries, and that this declaration is made regardless of all the threats of "detection" and of "indignant frowns from whatever quarter such threats may come."

Mr. Cook moved to lay the first of said resolutions on the table.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows:



## FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Cook	Mr. Johnson
Mr. Bond	Mr. Fox	Mr. Lawrence
Mr. Brownson	Mr. Frost	Mr. Martin
Mr. Bush	Mr. Fuller	Mr. Treadwell
Mr. Clark	Mr. Geddes	Mr. Wilkin
Mr. Cole	Mr. W. Hall	

17

## FOR THE NEGATIVE.

Mr. Betts	Mr. Floyd	Mr. Smith
Mr. Cornwell	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Fine	Mr. Hawley	Mr. Whallon

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On motion of Mr. Cook,

The said resolution was referred to a select committee.

Mr. Brownson offered for the consideration of the Senate the following resolution :

*Resolved*, That the bill to erect the town of Shongo, and also the bill to divide the town of Brookhaven, be taken from the general orders and referred to a select committee to report complete.

Mr. Smith called for a division of the question, and the question was first on so much of the said resolution as relates to the town of Shongo.

The President put the question on referring said bill, and it was decided in the affirmative.

The question then being on so much of said resolution as relates to the town of Brookhaven.

The president put the question on referring said bill, and it was decided in the negative.

On motion of Mr. Fuller,

*Resolved*, That the bill in relation to the charter of the village of Ovid, be referred to a select committee to report complete.

Mr. Bokee, from the select committee, reported complete the bill entitled "An act relating to a street called Navy-street in the fifth ward of the city of Brooklyn."

*Ordered*, That said bill do have its third reading.

Mr. Bush, from the select committee, reported complete the bill entitled "An act to authorise the Canal Commissioners to settle with Hubbard Burdick for work on the Erie canal."

*Ordered*, That said bill do have its third reading.

On motion of Mr. Martin,

*Ordered*, That the said bill be committed to a committee of the whole.

Mr. Cook, from the select committee, reported complete the bill entitled "An act authorising the Canal Commissioners to build a bridge over the Champlain canal, north of the guard lock, upon the lands of Jonathan Polly in the town of Whitehall."

*Ordered*, That said bill do have its third reading.

Mr. Cornwell called for the consideration of the question on re-

considering the vote of the Senate rejecting the bill entitled "An act to provide for liquidating the claims of Horace Hotchkiss and William P. Smith against the agent of the Sing Sing State Prison."

The President put the question upon agreeing to reconsider, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Cole	Mr. Geddes
Mr. Bond	Mr. Cornwell	Mr. Lawrence
Mr. Brownson	Mr. Fine	Mr. Whallon
Mr. Bush	Mr. Fuller	Mr. Wilkin
Mr. Clark		

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## FOR THE NEGATIVE.

Mr. Cook	Mr. W. Hall	Mr. Martin
Mr. Floyd	Mr. Hawley	Mr. Treadwell
Mr. S. H. P. Hall	Mr. Johnson	

8

*Ordered,* That said bill do have its third reading.

*Ordered,* That Mr. Brownson, Mr. Betts and Mr. Bond be the committee who shall report complete the bill to erect the town of Shongo.

On motion of Mr. Johnson,

*Resolved,* That the bill in reference to the marine court in the city of New-York be recommitted to a select committee to report complete, also the bill amending the act in relation to the superior court of the city of New-York.

*Ordered,* That Mr. Johnson, Mr. Wilkin and Mr. Smith be such committee.

The President laid before the Senate a communication from the clerk of the court of appeals in relation to the funds and securities transferred, under chapter 277 of the laws of 1848, to the several counties of this state, which was read and laid on the table.

The Senate then proceeded to the consideration of the unfinished business under the order of motions, resolutions and notices, being the following resolution heretofore offered by Mr. Smith :

*Resolved,* (if the Assembly concur,) That the Legislature will adjourn on Wednesday, the 11th day of April, at 12 o'clock at noon.

Mr. Cole moved to lay said resolution on the table.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Cornwell	Mr. W. Hall
Mr. Bond	Mr. Fox	Mr. Johnson
Mr. Brownson	Mr. Frost	Mr. Little
Mr. Bush	Mr. Fuller	Mr. Martin
Mr. Cole	Mr. Geddes	Mr. Wilkin
Mr. Cook		

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## FOR THE NEGATIVE.

Mr. Adams	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Betts	Mr. Hawley	Mr. Treadwell
Mr. Fine	Mr. Lawrence	Mr. Whallon
Mr. Floyd	Mr. Smith	

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The Senate took a recess until 4 o'clock P. M.

## 4 O'CLOCK P. M.

The Senate again met.

Mr. Fine, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled, "An act in relation to pardons."

On motion of Mr. Fine,

*Ordered*, That said bill do have its third reading.

Mr. Tamblin, from the select committee, reported complete the bill entitled "An act to erect the town of Cape Vincent, in Jefferson county."

*Ordered*, That said bill do have its third reading.

Mr. Tamblin, from the select committee, reported complete the bill entitled "An act to authorise the town of Lyme to build a bridge over the Chaumont river, and to borrow money for that purpose."

*Ordered*, That said bill do have its third reading.

The Senate then, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to provide for extraordinary repairs and improvements on the canals," and after some time spent thereon, Mr. Cook, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to secure the faithful performance of contracts with the State," and after some time spent thereon, Mr. Cook, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

Mr. Wilkin, from the select committee, reported complete the bill entitled "An act to appoint commissioners further to revise, reform, simplify and abridge the rules, practice, pleadings, forms and proceedings of the courts of record of this State, and Commissioners of the Code, pursuant to the 17th section of the first article of the Constitution."

The Senate, in committee of the whole, proceeded to the consideration of the special order for the day, being the bill entitled, "An act to provide for the sale of lands sold for taxes heretofore assessed, in the counties where the lands are situated." and after some

time thereon, Mr. Bond, from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Fuller,

*Ordered*, That the committee of the whole be discharged from the further consideration of this bill, and that it be referred to a select committee to report complete.

*Ordered*, That Mr. Fuller, Mr. Cook and Mr. Fine be said committee.

A message was received from the Assembly, informing that they do insist on their amendment to the bill entitled "An act to alter the commissioners' map of the city of Brooklyn," which was non-concurred in by the Senate, and request a committee of conference.

Mr. Bokee moved that the Senate do agree to the appointment of a committee of conference on the matters in difference between the two houses on this bill.

Pending the question,

The Senate took a recess until 7 P. M.

## 7 O'CLOCK P. M.

The Senate again met.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act making appropriations for the State library for international exchanges, and for the salary of the secretary of the Regents of the University," and after some time spent thereon, Mr. Bond, from said committee, reported in favor of the passage of the same without amendment.

Mr. S. H. P. Hall moved to amend the report of the committee of the whole by striking out so much thereof as increases the appropriation for the salary of the librarian and assistant librarian.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Colt	Mr. Geddes	Mr. Treadwell
Mr. Cook	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cornwell	Mr. Hawley	

14

### FOR THE NEGATIVE.

Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Fuller	Mr. Little
Mr. Clark	Mr. W. Hall	Mr. Wilkin
Mr. Cole	Mr. Johnson	

11

*Ordered*, That said bill do have its third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act making appropriations for the expenses of government for the fiscal year commencing October 1, 1849," and after time spent thereon, Mr. Bond, from said committee, reported in favor of the passage of the same without amendment.

Mr. Smith moved to amend the report of the committee of the whole by striking out the appropriation for the relief of emigrants arriving at the port of Oswego.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Martin	Mr. Smith	3
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FOR THE NEGATIVE.

Mr. Betts	Mr. Cornwell	Mr. W. Hall	
Mr. Bokee	Mr. Fine	Mr. Johnson	
Mr. Bond	Mr. Floyd	Mr. Lawrence	
Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Cole	Mr. Fuller	Mr. Whallon	
Mr. Colt	Mr. Geddes	Mr. Wilkin	
Mr. Cook			19

Mr. Smith moved further to amend the report of the committee of the whole by striking out the appropriation for the relief of emigrants at the county of Rensselaer.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Cole	Mr. Martin	Mr. Smith	3
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FOR THE NEGATIVE.

Mr. Adams	Mr. Cook	Mr. Geddes	
Mr. Betts	Mr. Cornwell	Mr. Johnson	
Mr. Bokee	Mr. Fine	Mr. Lawrence	
Mr. Bond	Mr. Floyd	Mr. Treadwell	
Mr. Bush	Mr. Fox	Mr. Whallon	
Mr. Clark	Mr. Fuller	Mr. Wilkin	
Mr. Colt			19

Mr. Smith moved further to amend the report of the committee of the whole by striking out the appropriation for the relief of emigrants arriving at the city of Albany.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Cole	Mr. Martin	Mr. Smith	3
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## FOR THE NEGATIVE.

Mr. Adams	Mr. Floyd	Mr. Johnson	
Mr. Betts	Mr. Fox	Mr. Lawrence	
Mr. Bond	Mr. Fuller	Mr. Treadwell	
Mr. Colt	Mr. Geddes	Mr. Whallon	
Mr. Cook	Mr. W. Hall	Mr. Wilkin	
Mr. Fine			16

Mr. Smith moved further to amend the report of the committee of the whole by striking out the appropriation to the county of Monroe, for the relief of emigrants arriving in the city of Rochester.

The President put the question on agreeing to said motion, and it was decided in the negative, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Martin	Mr. Smith	3
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## FOR THE NEGATIVE.

Mr. Betts	Mr. Cornwell	Mr. W. Hall	
Mr. Bokee	Mr. Fine	Mr. Johnson	
Mr. Bond	Mr. Floyd	Mr. Lawrence	
Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Cole	Mr. Fuller	Mr. Whallon	
Mr. Colt	Mr. Geddes	Mr. Wilkin	
Mr. Cook			19

The president then put the question on agreeing with the report the committee of the whole, and it was decided in the affirmative.

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage of the bill from the Assembly entitled "An act to amend an act entitled 'An act for the establishment and regulation of the police of the city of New-York, passed May 13, 1846,'" which was committed to the committee of the whole.

The Senate then resolved itself into a committee of the whole on the bill entitled, "An act authorising the settlement of the claim of Amos B. King and James B. King assignees of William M. King," and after some time spent thereon, Mr. Hawley, from said committee, reported that they had struck out the enacting clause of the bill, and the Senate agreed to the report.

*Ordered*, That said bill be rejected.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to authorise the appraisal and payment of canal damages to John King," and after some time spent thereon, Mr. S. H. P. Hall, from said committee, reported in favor of the

passage of the same without amendment, which report was agreed to and the said bill ordered to a third reading.

The Senate then resolved itself into a committee of the whole on the bill entitled "An act to authorise Mary McNulty and Jane Caughlin to hold real estate," and after some time spent thereon, Mr. S. H. P. Hall, from said committee, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered to a third reading.

The following proposed amendment heretofore offered by Mr. Wilkin was read :

*Resolved*, (if the Assembly concur,) That the following amendment be proposed to the constitution of this state ; that the same be referred to the Legislature to be chosen at the next annual election of Senators and members of Assembly, and be published for three months previous to the time of making such choice in conformity with the first section of the thirteenth article of the constitution. Section six of article four of the constitution shall be amended so as to read as follows :

In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of said office, resignation, or absence from the state, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease : or, if there shall be a vacancy in the office of Lieutenant Governor, or, if the Lieutenant Governor be under impeachment, or be absent from the state, or incapable of performing the duties of his office, then the powers and duties of the office of Governor shall devolve upon the President of the Senate, or, if there be no President of the Senate at the time, then upon the Speaker of the Assembly, for the residue of the term of the said Governor, or until the disability shall cease. But, when the Governor shall, with the consent of the Legislature, be out of the state, in time of war, at the head of a military force, he shall continue commander-in-chief of all the military force in the state.

The President put the question upon agreeing to said amendments, and it was decided in the affirmative, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Fuller	Mr. Smith
Mr. Cole	Mr. Geddes	Mr. Treadwell
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin

24

*Ordered*, That the Clerk transmit said amendments to the Assembly, and request their concurrence therein.

Mr. Bond, from the committee on literature, reported in favor of

the passage of the bill from the Assembly entitled "An act to amend chapter 480 of the Session Laws of 1847, entitled 'An act relative to the office of town superintendent of common schools and amendatory of the Revised Statutes, entitled 'Of public instruction,' passed Dec. 15, 1847.'"

*Ordered,* That said bill and amendments be laid on the table.

Mr. Bond, from the committee on literature, reported in favor of passage of the bill from the Assembly entitled, "An act to amend the act entitled, 'An act establishing free schools throughout the state,' passed March 26, 1849."

*Ordered,* That said bill and amendments be laid on the table.

Mr. Bond, from the committee on literature, reported in favor of the passage of the bill from the Assembly entitled "An act to amend an act to incorporate the Liberty Normal Institute," passed April 12, 1845, which was committed to the committee of the whole.

And then the Senate adjourned till 9 o'clock to-morrow morning.

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## TUESDAY, 9 O'CLOCK A. M., APRIL 10, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Barry.

The Journal of yesterday was read and approved.

Mr. Martin, from the committee on canals, reported adverse to the petition for a law authorising the Canal Appraisers to appraise the damages of Horace Hopkins.

*Resolved,* That the prayer of the petitioner be denied.

Mr. Frost, from the committee on commerce and navigation, reported in favor of the passage of the bill from the Assembly entitled, "An act to provide for the establishment of hospitals at Sandy Hook."

On motion of Mr. Floyd,

*Resolved,* That said bill be referred to a select committee to report complete.

*Ordered,* That Mr. Floyd, Mr. Hall and Bokee be said committee.

Mr. Floyd, from said committee, reported said bill complete.

*Ordered,* That said bill do have its third reading.

Mr. Fuller, from the select committee, reported complete the bill entitled "An act to provide for the sale of lands for taxes hereinafter assessed, in the counties where such lands are situated," reported by resolution, asking that the said committee be discharged from the further consideration of the said bill, which was agreed to.

On motion of Mr. Fuller,



*Resolved*, That the Comptroller, and Attorney-General, and Secretary of State, be requested to prepare and present to the next legislature, a law for the sale of lands for taxes in the counties where the same are situated.

Mr. Frost from the committee on charitable and religious societies, reported in favor of the bill from the Assembly entitled "An act to incorporate the New-York and Greenwood Ferry Company," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill from the Assembly entitled, "An act to amend the act incorporating the village of Waterloo," which was committed to the committee of the whole.

Mr. Whallon, from the select committee, reported complete the bill entitled "An act to consolidate and revise the several acts relating to the village of Whitehall."

*Ordered*, That said bill do have its third reading.

Mr. Cook, from the committee on banks and insurance companies, reported in favor of the passage of the bill introduced by Mr. Bokee, entitled "An act in relation to bank officers," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported adverse to the passage of the bill from the Assembly entitled, "An act to extend First-street in the village of Greenport, in the county of Suffolk," which was committed to the committee of the whole.

Mr. Bokee, from the committee on the incorporation of cities and villages, reported adverse to the passage of the bill from the Assembly entitled "An act to provide for supplying the city of Albany and other places within the county of Albany with pure and wholesome water," which was committed to the committee of the whole.

Mr. S. H. P. Hall, from the committee on the incorporation of cities and villages, reported in favor of the passage of the bill entitled "An act to amend an act to incorporate the village of Pulaski, in the county of Oswego," passed April 26, 1832."

*Ordered*, That said bill do have its third reading.

Mr. Wilkin, from the committee on the judiciary, reported in favor of the passage, with amendment, of the bill entitled "An act to secure the payment of wages to day laborers employed on the canals and other public works of this State."

*Ordered*, That said bill do have its third reading.

Mr. Frost, from the committee on commerce and navigation, reported in favor of the passage of the bill from the Assembly entitled "An act to incorporate the Miniseongo Steam Ferry Company," which was committed to the committee of the whole.

Mr. Brownson, from the select committee, reported complete the bill entitled "An act to erect the town of Shongo from the towns of Independence and Scio, in the county of Allegany."

A remonstrance against the passage of this bill being partly read, Mr. Wilkin moved to suspend the further reading of said paper.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Brownson	Mr. Fox	Mr. Johnson
Mr. Bush	Mr. Frost	Mr. Martin
Mr. Clark	Mr. Geddes	Mr. Treadwell
Mr. Cook	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cornwell		

13

FOR THE NEGATIVE.

Mr. Betts	Mr. Hawley	Mr. Tamblin
Mr. Floyd	Mr. Smith	

5

And then the question coming on agreeing with the report of the select committee on said bill.

The President put the question upon agreeing to said report, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Bond	Mr. Fox	Mr. Little
Mr. Brownson	Mr. Frost	Mr. Martin
Mr. Cole	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cook	Mr. W. Hall	Mr. Wilkin
Mr. Cornwell	Mr. Johnson	

14

FOR THE NEGATIVE.

Mr. Floyd	Mr. Smith	Mr. Whallon
Mr. Hawley		

4

*Ordered*, That said bill do have its third reading.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act to authorise Neziah Bliss and others to erect and maintain docks in the town of Bushwick, county of Kings," and amended the same accordingly.

A message was received from the Assembly informing that they have concurred in the amendments of the Senate to the bill entitled, "An act to provide for the incorporation of insurance companies," and amended the same accordingly.

A bill was received from the Assembly for concurrence entitled, "An act to provide for improving the upper waters of the Hudson river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the following bills :

"An act to amend an act entitled, 'An act for the protection of emigrants arriving in the state of New-York.'"

"An act to incorporate the Williamsburgh Ferry Company," and amended the said bills accordingly.

A message was received from the Assembly informing that they had passed with the amendments therewith delivered, the bill entitled "An act to amend an act entitled, 'An act for the more effectual protection of the rights of married women.'"

Mr. Fine moved that the Senate do concur in said amendments.

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Treadwell
Mr. Bond	Mr. Fox	Mr. Whallon
Mr. Brownson	Mr. Frost	Mr. Wilkin
Mr. Bush	Mr. Fuller	

17

FOR THE NEGATIVE.

Mr. Clark	Mr. S. H. P. Hall	Mr. Martin
Mr. Colt	Mr. Lawrence	

5

A message was received from the Assembly informing that they had passed the following bills without amendment :

"An act to abolish the mayor's court of the city of Rochester."

"An act to pay Francis Batcs a sum of money for his costs and expenses in taking Barney Heirs, an escaped convict."

"An act to amend the act to incorporate the Orange County Mutual Insurance Company," passed March 15, 1837.

*Ordered*, That said bills be delivered to the Governor.

The bill entitled "An act to allow the president and directors of the Eastern Turnpike to sell a part or all of their road, and to form a plank road company from Albany to Sandlake, under the act passed May 7, 1847," with the amendments therewith delivered, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Smith
Mr. Cole	Mr. Fuller	Mr. Treadwell
Mr. Colt	Mr. Hawley	Mr. Whallon

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Adams, from the select committee, reported complete the bill entitled "An act in relation to the Prattsville Turnpike road."

*Ordered*, That said bill do have its third reading.

Mr. W. Hall, from the select committee, reported complete the bill entitled "An act to amend an act for the establishment and regulation of the police of the city of New-York," passed May 13, 1846.

*Ordered*, That said bill do have its third reading.

Mr. Lawrence, from the select committee, reported complete the bill entitled "An act making appropriation for the support of government for the fiscal year commencing October 1, 1849."

*Ordered*, That said bill do have its third reading.

Mr. Bokee, from the select committee, reported complete the bill entitled "An act for the safe keeping and investment of the funds of this State."

*Ordered*, That said bill do have its third reading.

Mr. Fuller, from the select committee, reported complete the bill entitled "An act to repeal the act incorporating the village of Ovid, in the county of Seneca," passed April 17, 1816.

Mr. W. Hall, from the select committee, reported complete, the bill entitled "An act to amend an act entitled 'An act to provide for sick and disabled seamen, passed April 22, 1831.'"

*Ordered*, That said bill do have its third reading.

Mr. Adams, from the select committee, reported complete the bill entitled "An act granting to George F. Von Beck the right to establish a ferry across the Rondout creek."

*Ordered*, That said bill do have its third reading.

Mr. Bond, from the select committee, reported complete the bill entitled "An act to raise money by tax to purchase, improve and make free, the Oswego Falls bridge."

*Ordered*, That said bill do have its third reading.

Mr. Floyd, from the select committee, reported complete the bill entitled "An act to authorise Edwin Mitchell to build a dock in the town of North Hempstead, Queens county."

*Ordered*, That said bill do have its third reading.

Mr. Johnson, from the select committee, reported complete the bill entitled "An act to pay Jenny Doxtater and Sophia Denny, Indian women, for their interest in Oneida lands."

*Ordered*, That said bill do have its third reading.

Mr. Cornwell, from the committee on railroads, reported in favor of the passage of the bill from the Assembly entitled "An act to amend an act entitled 'An act to authorise the formation of railroad corporations, passed May 27, 1846,' which was committed to the committee of the whole.

Mr. Adams, from the select committee, reported complete the bill entitled "An act authorising the commissioners of highways in the towns of Marletown and Rosendale, in the county of Ulster, to complete laying out and to open a certain road in said towns."

*Ordered*, That said bill do have its third reading.

Mr. Whallon, from the select committee, reported complete the

bill entitled "An act to authorise the construction of a plank road in the town of Heimon."

*Ordered*, That said bill do have its third reading.

Mr. Clark, from the committee on trade and manufactures, reported in favor of the passage of the bill from the Assembly entitled "An act to change the name of the Washington Manufacturing Company."

*Ordered*, That said bill do have its third reading.

Mr. Johnson, from the select committee, reported complete the bill entitled "An act for the relief of Indian owners of lot No. 3, Oneida purchase of 1842."

*Ordered*, That said bill do have its third reading.

Mr. Treadwell, from the committee on roads and bridges, to which was referred a petition for that purpose, reported a bill entitled "An act to repeal an act entitled, 'An act to lay out a road from Peekskill, in the county of Westchester, to the store of James Turner, in the town of Patterson, in the county of Putnam, passed May 18, 1836, and amended March 25, 1846,' which was committed to the committee of the whole.

Mr. Betts, from the select committee, reported complete the bill entitled "An act to amend an act to incorporate the Middletown and Delhi Turnpike Company," passed May 14, 1840.

*Ordered*, That said bill do have its third reading.

Mr. Floyd, from the select committee, reported complete the bill entitled "An act to extend the time for the collection of taxes in the town of Castleton, in the county of Richmond."

*Ordered*, That said bill do have its third reading.

Mr. Clark, from the committee on claims, reported adverse to the passage of the bill from the Assembly entitled "An act to provide for the settlement of the claim of Robert Renwick, jr., a contractor on the Genesee Valley canal," which was committed to the committee of the whole.

Mr. Clark, from the committee on claims, reported adverse to the passage of the bill from the Assembly entitled, "An act to provide for the payment of the balance due from the state to William Logan, William Barren and William Stewart for the construction of the lock at Fort Miller on the Champlain canal," which was committed to the committee of the whole.

A message was received from the Assembly informing that they had passed, with the amendments therewith delivered, the bill entitled, "An act to amend the act to revise and simplify the practice, pleadings and proceedings in the courts of this state," passed April, 1848."

On motion of Mr. Cornwell,

*Resolved*, That said bill and amendments be referred to a select committee to advise and report thereon.

*Ordered*, That Mr. Cornwell, Mr. Fuller, Mr. Cole, Mr. Smith and Mr. Geddes be said committee.

The bill entitled, "An act providing compensation to the county treasurers of this state for services rendered by them under the act of April 12, 1848, relating to funds and securities in possession of

the clerk of the court of appeals," was read a third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Cook	Mr. W. Hall
Mr. Bond	Mr. Fine	Mr. Johnson
Mr. Brownson	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Cole	Mr. Fuller	Mr. Wilkin
Mr. Colt		

16

FOR THE NEGATIVE.

Mr. Betts	Mr. Geddes	Mr. Smith
Mr. Clark	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Floyd	Mr. Hawley	Mr. Whallon

9

Mr. Wilkin moved that said bill be reconsider.

And then the Senate proceeded to the consideration of the amendments made by the Assembly to the bill entitled "An act to amend an act establishing free schools throughout the state," passed March 26, 1849.

The President put the question upon agreeing to said amendments, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. Hawley
Mr. Betts	Mr. Colt	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Fuller	Mr. Treadwell
Mr. Bush	Mr. S. H. P. Hall	Mr. Whallon
Mr. Clark	Mr. W. Hall	Mr. Wilkin

21

Mr. Martin moved that this order of business be laid on the table.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Clark	Mr. Martin	Mr. Smith
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3

FOR THE NEGATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Brownson	Mr. Fox	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin
Mr. Colt		

Mr. Cole, from the select committee, reported complete the bill entitled "An act authorising the supervisors of the county of Chemung to borrow money to build a jail and keeper's residence."

Mr. Cole moved that said bill be committed to the committee of the whole.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Cook	Mr. Johnson
Mr. Bond	Mr. Cornwell	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Little
Mr. Bush	Mr. S. H. P. Hall	Mr. Martin
Mr. Clark	Mr. W. Hall	Mr. Treadwell
Mr. Cole		

16

FOR THE NEGATIVE.

Mr. Betts	Mr. Floyd	Mr. Smith
Mr. Fine	Mr. Hawley	Mr. Whallon

6

The bill entitled, "An act to amend an act entitled, 'An act to amend the Revised Statutes in relation to summary proceedings to recover the possession of land,' passed April 3, 1849," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. W. Hall
Mr. Betts	Mr. Fine	Mr. Hawley
Mr. Bokee	Mr. Floyd	Mr. Johnson
Mr. Bond	Mr. Fox	Mr. Lawrence
Mr. Brownson	Mr. Fuller	Mr. Whallon
Mr. Bush	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Clark		

19

FOR THE NEGATIVE.

Mr. Martin	Mr. Treadwell
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2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

Mr. Cook, from the committee of conference, offered for the consideration of the Senate the following resolutions :

*Resolved*, (if the Assembly concur,) 'That the 15th joint rule of the Senate and Assembly be amended by adding to the end thereof the following : "And whenever an extra number of any messages or documents are ordered, there shall be printed in addition to the number so ordered, 60 copies, to be sent to the executive chamber

for the use of the Governor, for exchanges with officers of other states, and for such other purposes as he may deem proper."

*Resolved*, That the foregoing rule, amended, as above, be construed to apply to all documents of which an extra number has been ordered during the present session of the Legislature, of which the whole edition has not been printed, and the types distributed.

The President put the question upon agreeing to said resolutions, and it was decided in the affirmative.

The bill from the Assembly entitled, "An act providing for the registering of births, marriages and deaths," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley	
Mr. Bokee	Mr. Fine	Mr. Johnson	
Mr. Bond	Mr. Floyd	Mr. Lawrence	
Mr. Bush	Mr. Fox	Mr. Tamblin	
Mr. Clark	Mr. Fuller	Mr. Whallon	
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin	18

FOR THE NEGATIVE.

Mr. Martin	Mr. Treadwell	2
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act in reference to the new government of the seven nations of Indians on the Cattaraugus and Allegany reservations," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. Hawley	
Mr. Betts	Mr. Fine	Mr. Johnson	
Mr. Bokee	Mr. Floyd	Mr. Lawrence	
Mr. Bond	Mr. Fox	Mr. Treadwell	
Mr. Brownson	Mr. Frost	Mr. Whallon	
Mr. Bush	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Clark	Mr. W. Hall		20

FOR THE NEGATIVE.

Mr. Colt	Mr. Martin	2
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*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.



The bill from the Assembly entitled "An act to incorporate the Gilboa Aqueduct Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	

20

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill entitled "An act to authorise the Governor of this state to revive by proclamation, if in his judgment it shall be deemed expedient so to do, the act entitled, "An act for the preservation of the public health," passed June 22, 1832," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Betts	Mr. Floyd	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Frost	Mr. Tamblin
Mr. Bush	Mr. Fuller	Mr. Treadwell
Mr. Clark	Mr. S. H. P. Hall	Mr. Whallon
Mr. Coffin	Mr. Hawley	Mr. Wilkin
Mr. Colt		

22

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled "An act in relation to the collection of fines and forfeitures in the county of Monroe, and the duties of certain officers in relation thereto," was read the third time and passed, a majority of all the members elected to Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Lawrence
Mr. Betts	Mr. Floyd	Mr. Martin
Mr. Bokee	Mr. Fox	Mr. Tamblin

Mr. Brownson	Mr. Fuller	Mr. Treadwell
Mr. Bush	Mr. S. H. P. Hall	Mr. Whallon
Mr. Coffin	Mr. Hawley	Mr. Wilkin
Mr. Colt	Mr. Johnson	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend an act to incorporate the city of Auburn," passed March 21, 1848, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. Lawrence
Mr. Betts	Mr. Colt	Mr. Martin
Mr. Bokee	Mr. Fine	Mr. Tamblin
Mr. Bond	Mr. Floyd	Mr. Treadwell
Mr. Brownson	Mr. Fox	Mr. Whallon
Mr. Bush	Mr. Hawley	Mr. Wilkin
Mr. Clark	Mr. Johnson	

20

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act in to erect the town of Cape Vincent in the county of Jefferson," was read the third time and the vote was as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Lawrence
Mr. Betts	Mr. Fine	Mr. Martin
Mr. Bokee	Mr. Fox	Mr. Smith
Mr. Bond	Mr. Frost	Mr. Tamblin
Mr. Brownson	Mr. Fuller	Mr. Treadwell
Mr. Bush	Mr. W. Hall	Mr. Whallon
Mr. Clark	Mr. Johnson	

20

A reconsideration having been moved and carried.

Said bill was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Martin
Mr. Brownson	Mr. Fox	Mr. Tamblin

Mr. Bush	Mr. Frost	Mr. Treadwell	
Mr. Cole	Mr. Fuller	Mr. Wilkin	18

## FOR THE NEGATIVE.

Mr. Betts	Mr. S. H. P. Hall	Mr. Smith	
Mr. Clark	Mr. Hawley	Mr. Whallon	
Mr. Floyd			7

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act making appropriations for the State Library, for international exchanges, and for the salary of the secretary of the Regents of the University," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. Johnson	
Mr. Betts	Mr. Fine	Mr. Lawrence	
Mr. Bokee	Mr. Floyd	Mr. Tamblin	
Mr. Bond	Mr. Fox	Mr. Treadwell	
Mr. Brownson	Mr. Frost	Mr. Whallon	
Mr. Bush	Mr. Fuller	Mr. Wilkin	
Mr. Clark	Mr. W. Hall		20

*Ordered,* That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the act to incorporate the Liberty Normal Institute," passed April 12, 1848," was read the third time and passed a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall	
Mr. Betts	Mr. Cook	Mr. W. Hall	
Mr. Bokee	Mr. Fine	Mr. Johnson	
Mr. Bond	Mr. Floyd	Mr. Lawrence	
Mr. Brownson	Mr. Fox	Mr. Treadwell	
Mr. Bush	Mr. Frost	Mr. Whallon	
Mr. Coffin	Mr. Fuller	Mr. Wilkin	21

## FOR THE NEGATIVE.

Mr. Martin

1

*Ordered,* That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to raise money by tax to purchase, improve and make free the Oswego Falls bridge," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage hereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Johnson
Mr. Betts	Mr. Fox	Mr. Lawrence
Mr. Bokee	Mr. Frost	Mr. Tamblin
Mr. Bond	Mr. Fuller	Mr. Treadwell
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Fine	Mr. Hawley	Mr. Wilkin
		18

## FOR THE NEGATIVE.

Mr. Brownson	Mr. W. Hall	Mr. Martin	3
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend an act to incorporate the village of Pulaski, in the county of Oswego," passed April 26, 1832, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Frost	Mr. Smith
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Wilkin
		24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to provide for the construction of a plank road in the town of Hermon," was read the third time and and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Hawley	
Mr. Betts	Mr. Floyd	Mr. Lawrence	
Mr. Bokee	Mr. Fox	Mr. Treadwell	
Mr. Coffin	Mr. W. Hall	Mr. Whallon	12

## FOR THE NEGATIVE.

Mr. Brownson	Mr. Fuller	Mr. Martin	
Mr. Clark	Mr. S. H. P. Hall	Mr. Tamblin	
Mr. Colt	Mr. Johnson		8

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have non-concurred.

The bill from the Assembly entitled, "An act to declare the public utility of a railroad from Lockport to Buffalo on the most direct and eligible route," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. S. H. P. Hall	
Mr. Bokee	Mr. Fine	Mr. Hawley	
Mr. Bond	Mr. Floyd	Mr. Johnson	
Mr. Bush	Mr. Fox	Mr. Lawrence	
Mr. Clark	Mr. Frost	Mr. Martin	
Mr. Cole	Mr. Fuller		17

## FOR THE NEGATIVE.

Mr. Adams	Mr. Coffin	Mr. Wilkin	
Mr. Brownson	Mr. Whallon		5

*Ordered,* That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The engrossed bill from the Assembly entitled "An act to incorporate the Haverstraw and Grassy Point Bridge Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson	
Mr. Betts	Mr. Floyd	Mr. Lawrence	
Mr. Bokee	Mr. Fox	Mr. Martin	
Mr. Bond	Mr. Frost	Mr. Smith	
Mr. Brownson	Mr. Fuller	Mr. Tamblin	
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell	
Mr. Colt	Mr. W. Hall	Mr. Whallon	
Mr. Cook	Mr. Hawley		

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The Senate took a recess until 4 o'clock P. M.

#### 4 O'CLOCK P. M.

The Senate again met.

The bill from the Assembly entitled "An act to amend the act to alter the charter of Rome," was read the third time and passed a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

##### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Fuller	Mr. Tamblin
Mr. Colt	Mr. S. H. P. Hall	Mr. Treadwell
		21

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend an act relating to the New-York and Harlem Railroad Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

##### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Frost	Mr. Smith
Mr. Bush	Mr. Fuller	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Colt	Mr. W. Hall	
		23

##### FOR THE NEGATIVE.

Mr. Whallon	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act in relation to the site of the county jail to be built in the city of Oswego," was read the third time and passed, a majority of all the members elected to Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Betts	Mr. Floyd	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Bond	Mr. Frost	Mr. Smith
Mr. Brownson	Mr. Fuller	Mr. Tamblin
Mr. Clark	Mr. Geddes	Mr. Treadwell
Mr. Colt	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cook	Mr. W. Hall	

23

*Ordered,* That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act for the removal of the Hallenbeck burial ground in the city of Albany," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Johnson
Mr. Betts	Mr. Fox	Mr. Lawrence
Mr. Bokee	Mr. Frost	Mr. Martin
Mr. Bush	Mr. Fuller	Mr. Smith
Mr. Clark	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Colt	Mr. W. Hall	Mr. Treadwell
Mr. Cook	Mr. Hawley	Mr. Whallon
Mr. Cornwell		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled, "An act in relation to canal contracts," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Bond	Mr. Frost	Mr. Lawrence
Mr. Brownson	Mr. Fuller	Mr. Martin
Mr. Bush	Mr. Geddes	Mr. Tamblin
Mr. Colt	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cornwell	Mr. W. Hall	Mr. Wilkin
Mr. Fox	Mr. Johnson	

## FOR THE NEGATIVE.

Mr. Adams	Mr. Cook	Mr. Smith	
Mr. Betts	Mr. Floyd	Mr. Whallon	
Mr. Bokee	Mr. Hawley		8

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill entitled "An act to incorporate the Newfane Centre Burial Association," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall	
Mr. Betts	Mr. Cook	Mr. Johnson	
Mr. Bokee	Mr. Cornwell	Mr. Lawrence	
Mr. Bond	Mr. Floyd	Mr. Martin	
Mr. Brownson	Mr. Fox	Mr. Smith	
Mr. Bush	Mr. Frost	Mr. Treadwell	
Mr. Cole	Mr. Fuller	Mr. Whallon	21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled "An act to amend the act providing for the incorporation of villages, so far as relates to the villages of Fultonville and Cohoes," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley	
Mr. Betts	Mr. Cornwell	Mr. Lawrence	
Mr. Bokee	Mr. Floyd	Mr. Martin	
Mr. Bond	Mr. Fox	Mr. Smith	
Mr. Brownson	Mr. Frost	Mr. Tamblin	
Mr. Bush	Mr. Fuller	Mr. Treadwell	
Mr. Clark	Mr. Geddes	Mr. Whallon	
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Colt			25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Wilkin, from the committee on the judiciary, reported for the consideration of the Senate the bill entitled "An act in relation to the prices of wharfrage hereafter to be charged for vessels landing at the pier on the east side of the city of Albany," which was committed to the committee of the whole.



The bill from the Assembly entitled "An act in relation to pardons," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Lawrence	
Mr. Bokee	Mr. Floyd	Mr. Martin	
Mr. Bond	Mr. Fox	Mr. Smith	3
Mr. Brownson	Mr. Frost	Mr. Tamblin	
Mr. Bush	Mr. Fuller	Mr. Treadwell	1
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon	
Mr. Colt	Mr. W. Hall	Mr. Wilkin	
Mr. Cook	Mr. Johnson		23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

A bill was received from the Assembly for concurrence entitled, "An act in relation to certain trusts."

On motion of Mr. Cole,

*Ordered,* That said bill do have its third reading.

The bill entitled "An act in relation to Madison University," was again read a third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Hawley	
Mr. Bond	Mr. Floyd	Mr. Johnson	
Mr. Brownson	Mr. Frost	Mr. Lawrence	
Mr. Bush	Mr. S. H. P. Hall	Mr. Martin	
Mr. Clark	Mr. W. Hall	Mr. Smith	
Mr. Cornwell			16

## FOR THE NEGATIVE.

Mr. Adams	Mr. Colt	Mr. Fuller	
Mr. Bokee	Mr. Cook	Mr. Whallon	
Mr. Cole	Mr. Fox		8

Mr. Wilkin, from the select committee, reported complete the bill entitled "An act to amend section one, of title two, of chapter four of the third part of the Revised Statutes, in relation to suits by the state."

*Ordered,* That said bill do have its third reading.

The committee of conference on the bill entitled "An act to alter the commissioner's map of the city of Brooklyn," made a report thereon.

The President put the question upon agreeing to said report, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Brownson	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Wilkin
Mr. Cook		

22

## FOR THE NEGATIVE.

Mr. Johnson

1

The bill entitled "An act to amend an act for the protection of emigrants arriving in the city of New-York," was again read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Lawrence
Mr. Betts	Mr. Floyd	Mr. Little
Mr. Bokee	Mr. Fox	Mr. Martin
Mr. Bond	Mr. Frost	Mr. Smith
Mr. Brownson	Mr. W. Hall	Mr. Treadwell
Mr. Bush	Mr. Hawley	Mr. Whallon
Mr. Clark	Mr. Johnson	Mr. Wilkin

21

## FOR THE NEGATIVE.

Mr. S. H. P. Hall

1

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled "An act to amend the charter of the Albany Hydrant Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Brownson	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Treadwell

Mr. Clark	Mr. Fuller	Mr. Wilkin	
Mr. Cole	Mr. S. H. P. Hall		23

## FOR THE NEGATIVE.

Mr. Hawley	Mr. Martin	2
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to authorise the settlement of the claims of this State against the bail of the late county treasurer of the county of Onondaga," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Fuller
Mr. Betts	Mr. Colt	Mr. Geddes
Mr. Bokee	Mr. Cook	Mr. Lawrence
Mr. Bond	Mr. Fine	Mr. Little
Mr. Brownson	Mr. Floyd	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Whallon
Mr. Clark		

19

## FOR THE NEGATIVE.

Mr. Wilkin	1
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act making further provisions for the organization of the militia, and to amend the act passed May 13, 1847, entitled 'An act to provide for the enrolment of the militia and to encourage the formation of uniform companies, excepting the first military division of this state,'" was read the third time and passed a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Johnson
Mr. Betts	Mr. Floyd	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Little
Mr. Bond	Mr. Fuller	Mr. Martin
Mr. Brownson	Mr. Geddes	Mr. Smith
Mr. Bush	Mr. W. Hall	Mr. Whallon
Mr. Cole	Mr. Hawley	Mr. Wilkin
Mr. Cornwell		

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to renew and amend an act granting certain lands under water to the Hudson and Berkshire Railroad Company, and others," passed May 7, 1837, was read the third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Fox	Mr. Lawrence
Mr. Bond	Mr. Frost	Mr. Martin
Mr. Bush	Mr. Fuller	Mr. Smith
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Cook		

22

*Ordered,* That the clerk return said bill to the Assembly and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to provide for the appointment of brigade inspectors," was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Brownson	Mr. Floyd	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Whallon
Mr. Cole	Mr. Geddes	

17

## FOR THE NEGATIVE.

Mr. Martin

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to incorporate the Williamsburgh Ferry Company," was read the third time.

By unanimous consent,

The name of John A. Cross having been erased from the same, the said bill was passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Fox	Mr. Little
Mr. Bond	Mr. Frost	Mr. Martin
Mr. Bush	Mr. Fuller	Mr. Smith
Mr. Clark	Mr. Geddes	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin
Mr. Cook		

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have concurred in their amendments thereto.

A message was received from the Assembly informing that the committee of conference had agreed on certain amendments therewith delivered to the bill entitled, "An act amendatory of the act entitled 'An act to authorise the business of banking,' passed April 18, 1838, and the acts amending the same."

The President put the question upon agreeing to said report, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Fox	Mr. Little
Mr. Bond	Mr. Frost	Mr. Martin
Mr. Clark	Mr. Geddes	Mr. Smith
Mr. Cole	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cook	Mr. W. Hall	Mr. Whallon
Mr. Cornwell	Mr. Johnson	Mr. Wilkin
Mr. Floyd		

19

Mr. Wilkin offered for the consideration of the Senate the following resolution:

*Resolved*, That a select committee be appointed to investigate the manner in which the work has been done on the new arsenal, now building in the city of New-York, and the expenditures thereon, by and under the direction of the late and present Commissary General, under the act of May 4, 1844, and also into the other accounts of said late Commissary General, and his disposition of the public money; that said committee be and are hereby empowered to send for persons and papers, and to sit during the recess of the Legislature, and that they report to the next Legislature at its next session.

The President put the question upon agreeing to said resolution, and it was decided in the affirmative.

The bill from the Assembly entitled, "An act to appoint commissioners further to revise, reform, simplify and abridge the rules, practice, pleadings, forms and proceedings of the courts of record of this State, and Commissioners of the Code, pursuant to the 17th section of the first article of the Constitution," was read the third time and passed, a majority of all the members elected to the Senate

voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Floyd	Mr. Hawley
Mr. Bond	Mr. Frost	Mr. Lawrence
Mr. Brownson	Mr. Fuller	Mr. Smith
Mr. Cole	Mr. Geddes	Mr. Treadwell
Mr. Cook	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cornwell	Mr. W. Hall	Mr. Wilkin
Mr. Fine		

19

## FOR THE NEGATIVE.

Mr. Bush	Mr. Colt	Mr. Johnson
Mr. Clark	Mr. Fox	Mr. Martin

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to change the time for the annual meeting of the board of supervisors of the county of Wyoming," was read the third time and passed a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Frost	Mr. Smith
Mr. Bush	Mr. Fuller	Mr. Treadwell
Mr. Clark	Mr. Geddes	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin
Mr. Colt		

25

*Ordered,* That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act for the relief of Mary Murray," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Floyd	Mr. Tamblin
Mr. Bond	Mr. Fox	Mr. Treadwell

Mr. Brownson	Mr. Frost	Mr. Whallon	
Mr. Bush	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Clark	Mr. W. Hall		20

## FOR THE NEGATIVE.

Mr. Cornwell	Mr. Martin	Mr. Smith	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to declare the public utility of a railroad from the city of Syracuse to the city of Rochester, on the most direct and eligible route," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Fuller	
Mr. Betts	Mr. Cornwell	Mr. Geddes	
Mr. Bond	Mr. Fine	Mr. Smith	
Mr. Bush	Mr. Floyd	Mr. Treadwell	12

## FOR THE NEGATIVE.

Mr. Bokee	Mr. Frost	Mr. Lawrence	
Mr. Brownson	Mr. S. H. P. Hall	Mr. Martin	
Mr. Clark	Mr. Hawley	Mr. Whallon	
Mr. Colt	Mr. Johnson	Mr. Wilkin	
Mr. Cook			13

*Ordered*, That said bill be rejected.

The bill from the Assembly entitled "An act to amend an act to incorporate the village of Palmyra, in the county of Wayne," passed March 29, 1827, was read the third time and passed a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Johnson	
Mr. Betts	Mr. Fine	Mr. Lawrence	
Mr. Brownson	Mr. Floyd	Mr. Martin	
Mr. Bush	Mr. Frost	Mr. Smith	
Mr. Clark	Mr. Fuller	Mr. Tamblin	
Mr. Cole	Mr. S. H. P. Hall	Mr. Treadwell	
Mr. Colt	Mr. W. Hall	Mr. Whallon	
Mr. Cook	Mr. Hawley	Mr. Wilkin	24

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to declare the public use of a railroad from Troy to the eastern line of the State," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Hawley
Mr. Betts	Mr. Floyd	Mr. Johnson
Mr. Bokee	Mr. Fox	Mr. Lawrence
Mr. Bond	Mr. Frost	Mr. Martin
Mr. Brownson	Mr. Fuller	Mr. Smith
Mr. Bush	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cornwell		

19

## FOR THE NEGATIVE.

Mr. W. Hall

1

*Ordered,* That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to provide for the establishment of hospitals at Sandy Hook," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Smith
Mr. Bokee	Mr. Floyd	Mr. Tamblin
Mr. Bond	Mr. Fox	Mr. Treadwell
Mr. Brownson	Mr. Frost	Mr. Whallon
Mr. Bush	Mr. Geddes	Mr. Wilkin
Mr. Cole		

19

## FOR THE NEGATIVE.

Mr. Clark	Mr. S. H. P. Hall	Mr. Lawrence
Mr. Colt	Mr. Johnson	Mr. Martin
Mr. Fuller		

7

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to amend the 35 section of the general plank road law, so far as it affects the county of Sullivan," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :



## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fox	Mr. Lawrence
Mr. Betts	Mr. Frost	Mr. Martin
Mr. Bond	Mr. Fuller	Mr. Smith
Mr. Brownson	Mr. S. H. P. Hall	Mr. Tamblin
Mr. Cole	Mr. W. Hall	Mr. Treadwell
Mr. Colt	Mr. Hawley	Mr. Whallon
Mr. Fine	Mr. Johnson	Mr. Wilkin
Mr. Floyd		

22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

A resolution was received from the Assembly in the words following, to wit :

*Resolved*, (if the Senate concur,) That permission be given to the trustees of the Clinton Monument Association to erect, in honor of DeWitt Clinton, a civic arch at the entrance into the Capitol Park, at the head of State-street, under the direction and with the consent of the trustees of the Capitol.

Mr. Geddes moved to amend the said resolution, by striking out all after the word "arch," in the fifth line, and insert as follows : "at such place on the public grounds in the city of Albany, as the trustees of the Capitol may direct."

And the Senate agreed to said amendment and the resolution as amended.

The bill entitled "An act in relation to the highways in the village of Greenburgh," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. W. Hall
Mr. Betts	Mr. Fine	Mr. Hawley
Mr. Bokee	Mr. Floyd	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Brownson	Mr. Frost	Mr. Treadwell
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Clark	Mr. S. H. P. Hall	Mr. Wilkin

21

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

On motion of Mr. Fuller,

*Resolved*, That thirty dollars be paid to John T. Diossy for his services as clerk to the select committee on the Code of Procedure, out of the fund for paying the contingent expenses of the Senate.

On motion of Mr. Cook,

*Resolved*, That the joint committee of the Senate and Assembly appointed to examine the treasurer's and banking department, be au-

thorised to examine such accounts and banking department up to the close of the present year.

On motion of Mr. Cornwell,

*Resolved*, That the Sergeant-at-arms be and he is hereby requested to cause all such extra documents as members of the Senate are severally entitled to of the number ordered printed, and which shall not have been delivered to them at the time of the adjournment of the Legislature, to be safely packed, and forwarded and delivered to Senators, at their respective residences, and that the necessary expense incurred under this resolution be defrayed by the clerk from the contingent fund of the Senate.

The president announced that in order to give the Senate an opportunity of selecting a president pro tempore, he should to-morrow morning vacate the chair.

The Senate then took a recess until 7 o'clock P. M.

### 7 O'CLOCK P. M.

The Senate again met.

The bill from the Assembly entitled, "An act in relation to the Court of Appeals," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt	Mr. W. Hall	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the charter of the Attica and Hornellsville Railroad Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. Hawley
Mr. Betts	Mr. Colt	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Martin

Mr. Brownson  
Mr. Bush

Mr. Fox  
Mr. W. Hall

Mr. Whallon  
Mr. Wilkin 18

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to amend the charter of the Fallsburgh and Liberty turnpike road company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Brownson	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin 24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

By unanimous consent,

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the passage of the bill from the Assembly entitled "An act in relation to the collection of taxes in the eighth and ninth wards of the city of Brooklyn."

On motion of Mr. Colt,

*Ordered*, That said bill do have its third reading.

The bill from the Assembly entitled "An act to amend an act for increasing the number of justices in the superior court of the city of New-York, and for extending the jurisdiction of that court," passed March 24, 1849, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. S. H. P. Hall
Mr. Betts	Mr. Fine	Mr. W. Hall
Mr. Bokee	Mr. Floyd	Mr. Johnson
Mr. Bond	Mr. Fox	Mr. Lawrence
Mr. Brownson	Mr. Frost	Mr. Martin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. Geddes	Mr. Wilkin
Mr. Colt		

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The Senate proceeded to the consideration of the amendments made by the Assembly to the bill entitled, "An act to amend chapter 480 of the Session Laws of 1847, entitled 'An act relative to the office of town superintendent of common schools and amendatory of the Revised Statutes, entitled 'Of public instruction,' passed Dec. 15, 1847.'"

The President put the question upon agreeing to said amendments, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. Fuller
Mr. Betts	Mr. Colt	Mr. Geddes
Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Lawrence
Mr. Brownson	Mr. Floyd	Mr. Little
Mr. Bush	Mr. Fox	Mr. Treadwell
Mr. Clark	Mr. Frost	Mr. Wilkin
		21

## FOR THE NEGATIVE.

Mr. Cook	Mr. Smith	Mr. Whallon
Mr. W. Hall		
		4

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

The bill from the Assembly entitled, "An act to provide for the settlement of the claim of the estate of John Jacob Mang, for land taken by the state," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. S. H. P. Hall
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Treadwell
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. Geddes	Mr. Wilkin
Mr. Colt		
		22

## FOR THE NEGATIVE.

Mr. W. Hall	Mr. Martin	Mr. Smith
		3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend an act to incorporate the village of Potsdam," passed March 3, 1831," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Frost	Mr. Smith
Mr. Bush	Mr. Fuller	Mr. Treadwell
Mr. Clark	Mr. Geddes	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook	Mr. W. Hall	

26

*Ordered,* That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act in relation to the trustees of the village of Oneida, in the county of Madison," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Hawley
Mr. Betts	Mr. Floyd	Mr. Johnson
Mr. Bokee	Mr. Fox	Mr. Lawrence
Mr. Bond	Mr. Frost	Mr. Martin
Mr. Brownson	Mr. Fuller	Mr. Smith
Mr. Bush	Mr. Geddes	Mr. Treadwell
Mr. Clark	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin
Mr. Colt		

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act in relation to the collection of taxes in the eighth and ninth wards of the city of Brooklyn," was read the third time and passed, a majority of all the members elected to Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence

Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Brownson	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Geddes	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt	Mr. W. Hall	

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act granting to George F. Von Beck the right to establish a ferry across the Rondout creek," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Johnson
Mr. Betts	Mr. Cook	Mr. Lawrence
Mr. Bokee	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Brownson	Mr. Fuller	Mr. Treadwell
Mr. Bush	Mr. S. H. P. Hall	Mr. Whallon
Mr. Clark	Mr. W. Hall	Mr. Wilkin
Mr. Coffin	Mr. Hawley	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act relating to claims against the county of Albany," was then read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Frost	Mr. Smith
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook	Mr. W. Hall	

26

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

Mr. Cornwell, from the select committee, to which was committed the bill entitled "An act to amend the act entitled 'An act to

simplify and abridge the Practice, Pleadings and Proceedings of the courts of this State, passed April 12, 1848," and the amendments of the Assembly to said bill, reported and recommended that the Senate concur in the amendments of the Assembly to said bill.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Fox	Mr. Lawrence
Mr. Bond	Mr. Frost	Mr. Martin
Mr. Brownson	Mr. Fuller	Mr. Smith
Mr. Bush	Mr. Geddes	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cook	Mr. W. Hall	Mr. Wilkin
Mr. Cornwell	Mr. Hawley	23

## FOR THE NEGATIVE.

Mr. Adams	Mr. Coffin	Mr. Floyd
Mr. Clark		4

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate.

The bill from the Assembly entitled "An act to pay James R. Clark, certain expenses in defending a libel suit while in the employ of the State," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. W. Hall
Mr. Betts	Mr. Colt	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Frost	Mr. Treadwell
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Clark	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Coffin		22

## FOR THE NEGATIVE.

Mr. Floyd	Mr. Hawley	2
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act relative to the Prattsville Turnpike road," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. S. H. P. Hall	Mr. Whallon

21

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to amend an act for the better regulation of the county and State prisons of the State, and consolidating and amending the existing laws in relation thereto," passed December 14, 1847, was read the third time and passed, a majority of the members elected to the Senate voting in favor thereof, and three fifths of all the members elected to the Senate being present, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. S. H. P. Hall	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin

21

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to regulate the police of the city of Troy," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three fifths of all the members elected to the Senate being present, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Frost	Mr. Treadwell
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Clark	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Coffin	Mr. W. Hall	

23

*Ordered*, That the clerk return said bill to the Assembly, with a



message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act making an appropriation for the support of certain incorporated orphan asylums in this state," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cook	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Brownson	Mr. Fox	Mr. Treadwell
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Clark	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Coffin	Mr. W. Hall	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the bill entitled, "An act providing for widening the opening in the Albany pier between the State and Columbia-street bridges," and that they had added another amendment thereto.

Mr. Frost moved that the Senate do non-concur in said amendments.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Wilkin	1
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**FOR THE NEGATIVE.**

Mr. Adams	Mr. Coffin	Mr. Frost
Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bokee	Mr. Cook	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Johnson
Mr. Brownson	Mr. Floyd	Mr. Treadwell
Mr. Bush	Mr. Fox	Mr. Whallon
Mr. Clark		

19

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have non-concurred in said amendment.

The bill from the Assembly entitled "An act to amend an act to consolidate and amend the act to incorporate the city of Rochester,"

passed April 11, 1844, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Frost	Mr. Treadwell
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Clark	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Coffin	Mr. W. Hall	

23

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

A bill was received from the Assembly for concurrence entitled, "An act to provide for the payment of certain expenses of the government," which was read the first time, and by unanimous consent was also read the second time.

By unanimous consent,

The Senate then resolved itself into a committee of the whole on the said bill, and after some time spent thereon, Mr. Fuller, from said committee, reported in favor of the passage of the same with amendments, which report was agreed to and the said bill ordered to a third reading.

The bill from the Assembly entitled, "An act to provide for the payment of certain expenses of government," as amended in committee of the whole, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Cook	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin

21

FOR THE NEGATIVE.

Mr. Floyd	Mr. S. H. P. Hall	Mr. Smith
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

A message was received from the Assembly, informing that they do non-concur in the amendments of the Senate to the bill entitled "An act making appropriations for the state library for international exchanges, and for salary of the secretary of the Regents of the University."

Mr. S. H. P. Hall moved that the Senate do recede from its amendments to the 4th section of said bill.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Bush	Mr. Frost	Mr. Smith
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. Geddes	Mr. Whallon
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cook	Mr. W. Hall	

26

Mr. Cook moved that the Senate recede from the amendment to the 2d section of said bill.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Bokee	Mr. Cook	Mr. Johnson
Mr. Bush	Mr. Fine	Mr. Lawrence
Mr. Coffin	Mr. Frost	Mr. Treadwell
Mr. Cole	Mr. Fuller	Mr. Wilkin

12

**FOR THE NEGATIVE.**

Mr. Adams	Mr. Floyd	Mr. Hawley
Mr. Betts	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Geddes	Mr. Smith
Mr. Colt	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cornwell	Mr. W. Hall	

14

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

A message was received from the Assembly informing that they had passed with the amendments therewith delivered, the bill entitled "An act amending the charter of the city of Rochester."

The President put the question upon agreeing to said amendments, and it was decided in the affirmative, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. Hawley

Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Lawrence
Mr. Brownson	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. Geddes	Mr. Wilkin

27

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

A message was received from the Assembly informing that they do non-concur in the amendments of the Senate to the bill entitled, "An act to amend an act entitled 'An act for the establishment and regulation of the police of the city of New-York, passed May 13, 1846.'"

Mr. Frost moved that the Senate do recede from its amendment to said bill.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. S. H. P. Hall
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Cook	Mr. Geddes	Mr. Wilkin

21

## FOR THE NEGATIVE.

Mr. Brownson	Mr. Colt	Mr. Johnson
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3

*Ordered*, That the clerk return said bill to the Assembly, informing them of the action of the Senate thereon.

The bill from the Assembly entitled "An act to amend an act entitled 'An act for the establishment and regulation of the police of the city of New-York, passed May 13, 1846,'" was read the third time and passed a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Fox	Mr. Martin

Mr. Brownson	Mr. Frost	Mr. Treadwell
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Clark	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Coffin	Mr. W. Hall	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
April 9, 1849. }

To the SENATE,—

I have this day approved and signed the following bills :

“An act in relation to common schools in the village of Medina.”

“An act relating to the village of Hamilton.”

“An act making an appropriation for the Western House of Refuge.”

“An act to aid in repairing and improving the road leading to the state road in North Hudson, to Mill Brook in the town of Moriah.”

“An act in settlement of the claims of the first Christian party of Oneida Indians.”

“An act relative to the expenses incurred in preserving law and order in the county of Dutchess.”

“An act to declare the public use of a railroad from Sackett's Harbor, in the county of Jefferson, to the town of Ellisburgh, in the same county.”

“An act to incorporate the Rockton Hydraulic Company.”

“An act to declare the public use of a railroad from some eligible point in the Saratoga and Washington railroad, to Plattsburgh.”

HAMILTON FISH.

The bill from the Assembly entitled “An act to confirm the official acts of Jacob Van Keuren a commissioner of highways,” was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Fuller
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Brownson	Mr. Floyd	Mr. Martin
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Frost	Mr. Whallon
Mr. Cole		

19

FOR THE NEGATIVE.

Mr. Geddes ..

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to authorise the surrender of old stocks by the New-York and Erie Railroad, and to receive new stock thereof," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Brownson	Mr. Floyd	Mr. Martin
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Wilkin
		21

FOR THE NEGATIVE.

Mr. Betts	Mr. Clark	Mr. Cook	3
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*Ordered*, That the clerk return said bill to the Assembly and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to amend the act entitled 'An act in relation to the Marine Court in the city of New-York,'" was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Geddes
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Hawley
Mr. Brownson	Mr. Floyd	Mr. Johnson
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Whallon
		21

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act making appropriations for the support of government for the fiscal year commencing October 1st, 1849," as amended by the Senate, was read the third time and passed a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Brownson	Mr. Fine	Mr. Lawrence
Mr. Bush	Mr. Fox	Mr. Treadwell
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. Fuller	Mr. Wilkin
Mr. Cole		

19

## FOR THE NEGATIVE.

Mr. Colt	Mr. S. H. P. Hall	Mr. Smith
Mr. Floyd		

4

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same with amendments.

The bill from the Assembly entitled, "An act for laying out and constructing the Warren and Hamilton county road," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Bokee	Mr. Cornwell	Mr. W. Hall
Mr. Brownson	Mr. Fine	Mr. Hawley
Mr. Bush	Mr. Floyd	Mr. Lawrence
Mr. Clark	Mr. Fox	Mr. Treadwell
Mr. Coffin	Mr. Frost	Mr. Whallon
Mr. Cole	Mr. Fuller	

20

## FOR THE NEGATIVE.

Mr. Martin	Mr. Wilkin
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2

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

Mr. Smith moved that the Senate adjourn.

The President put the question upon agreeing to said motion, and it was decided in the negative.

The bill from the Assembly entitled, "An act to create the Croton Aqueduct Department in the city of New-York," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Cornwell	Mr. Johnson

Mr. Brownson	Mr. Fine	Mr. Martin	
Mr. Bush	Mr. Fox	Mr. Smith	
Mr. Clark	Mr. Frost	Mr. Treadwell	
Mr. Coffin	Mr. Fuller	Mr. Whallon	
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin	21

Mr. Smith moved that the Senate adjourn.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Floyd	Mr. Smith	
Mr. Clark	Mr. S. H. P. Hall	Mr. Treadwell	
Mr. Colt	Mr. Hawley	Mr. Whallon	9

FOR THE NEGATIVE.

Mr. Adams	Mr. Cole	Mr. Geddes	
Mr. Bokee	Mr. Cook	Mr. W. Hall	
Mr. Brownson	Mr. Cornwell	Mr. Johnson	
Mr. Bush	Mr. Fox	Mr. Martin	
Mr. Coffin	Mr. Fuller		14

The bill from the Assembly entitled, "An act to release the estate of David Burt from the payment of a judgment held by the state," was read the third time and passed, two-thirds of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall	
Mr. Betts	Mr. Cook	Mr. Hawley	
Mr. Bokee	Mr. Cornwell	Mr. Johnson	
Mr. Brownson	Mr. Fine	Mr. Lawrence	
Mr. Bush	Mr. Floyd	Mr. Martin	
Mr. Clark	Mr. Fox	Mr. Treadwell	
Mr. Coffin	Mr. Frost	Mr. Whallon	
Mr. Cole	Mr. Fuller	Mr. Wilkin	24

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Colt, from the committee on the internal affairs of towns and counties, reported in favor of the bill from the Assembly entitled, "An act to incorporate the people's bathing and washing association of New-York."

A resolution was received from the Assembly in the words following, to wit :

*Resolved,* (if the Senate concur,) That this Legislature will adjourn sine die on Wednesday, the 11th instant, at 12 o'clock, M.

On motion of Mr. Cole,

*Ordered,* That said resolution be laid upon the table.



On motion of Mr. Fuller,

*Resolved*, (if the Assembly concur,) That the Secretary of State procure to be printed without delay, and distributed to each of the State officers and members and officers of the Legislature, twenty copies of the act entitled "An act to simplify and abridge the Practice, Pleadings and Proceedings of the Courts of this State," passed April 12, 1848.

*Resolved*, (if the Assembly concur,) That a committee of three be appointed, to consist of one member of the Senate and two members of the Assembly, to examine the Treasurer's accounts, the Banking Department and the accounts of the Canal Department, during the months of October, November and December next.

Adopted.

The bill from the Assembly entitled, "An act to amend an act entitled, 'An act for the election of county officers and to fix their salaries,'" was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Brownson	Mr. Floyd	Mr. Lawrence
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt		

25

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

And then the Senate adjourned till 9 o'clock to-morrow morning.

WEDNESDAY, 9 O'CLOCK A. M., APRIL 11, 1849.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Wyckoff.

The reading of the journal was dispensed with.

On motion of Mr. Geddes,

The Senate proceeded to the choice of a president pro tempore.

Samuel J. Wilkin was nominated by Senators Adams, Bokee, Bond, Brownson, Clark, Cole, Coffin, Colt, Cook, Fox, Frost, Ful-

ler, Geddes, S. H. P. Hall, Johnson, Lawrence, Little, Martin, Treadwell.

John L. Lawrence was nominated by Senators Bush and Wilkin.

John Fine was nominated by Senators Floyd and Tamblin.

Saxton Smith was nominated by Senator Fine.

The president, (Mr. Brownson occupying the chair,) announced Mr. Bokee and Mr. Hawley as a committee to wait on the Governor to inform him of the selection of the honorable Samuel J. Wilkin as president pro tempore; also Mr. Coffin and Mr. Whallon to make a like announcement to the Assembly, and the said committees reported the discharge of their duties.

The bill from the Assembly entitled, "An act to levy a tax on the town of Norwich to build a bridge over the Chenango river," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. W. Hall
Mr. Betts	Mr. Fox	Mr. Little
Mr. Bokee	Mr. Frost	Mr. Tamblin
Mr. Brownson	Mr. Fuller	Mr. Treadwell
Mr. Clark	Mr. Geddes	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cornwell		

19

FOR THE NEGATIVE.

Mr. Colt	Mr. Floyd	Mr. Martin	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act in relation to free schools in Sing Sing," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fox	Mr. Smith
Mr. Bokee	Mr. Frost	Mr. Tamblin
Mr. Coffin	Mr. W. Hall	Mr. Treadwell
Mr. Cole	Mr. Johnson	Mr. Whallon
Mr. Floyd	Mr. Little	

14

FOR THE NEGATIVE.

Mr. Brownson	Mr. Fuller	Mr. Hawley
Mr. Colt	Mr. S. H. P. Hall	Mr. Wilkin

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

The bill from the Assembly entitled, "An act to amend an act in relation to suits against district school officers," was the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Little
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Fuller	Mr. Smith
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin
Mr. Colt		

22

## FOR THE NEGATIVE.

Mr. Brownson

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill entitled "An act for the benefit of the Indians," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Brownson	Mr. Floyd	Mr. Lawrence
Mr. Clark	Mr. Fox	Mr. Little
Mr. Coffin	Mr. Frost	Mr. Treadwell
Mr. Cole	Mr. Fuller	Mr. Whallon
Mr. Colt	Mr. Geddes	Mr. Wilkin

21

## FOR THE NEGATIVE.

Mr. Martin

Mr. Smith

2

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act in relation to certain trusts," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Floyd	Mr. Hawley

Google

Mr. Bokee	Mr. Frost	Mr. Johnson
Mr. Brownson	Mr. Fuller	Mr. Smith
Mr. Bush	Mr. Geddes	Mr. Treadwell
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cole		

19

FOR THE NEGATIVE.

Mr. Cornwell	Mr. Fox	Mr. Martin
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3

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act authorising the commissioners of highways of the town of Marbletown and Rosendale, in the counties of Ulster, to complete laying out and opening a certain road in said towns," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. W. Hall
Mr. Betts	Mr. Floyd	Mr. Hawley
Mr. Bokee	Mr. Fox	Mr. Little
Mr. Brownson	Mr. Frost	Mr. Smith
Mr. Coffin	Mr. Fuller	Mr. Tamblin
Mr. Cole	Mr. Geddes	Mr. Treadwell
Mr. Colt	Mr. S. H. P. Hall	Mr. Whallon

21

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act in relation to a street called Navy-street in the fifth ward of the city of Brooklyn," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Johnson
Mr. Betts	Mr. Fox	Mr. Little
Mr. Bokee	Mr. Fuller	Mr. Smith
Mr. Brownson	Mr. Geddes	Mr. Tamblin
Mr. Coffin	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin

21

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorise the town of Lyme to raise money to build a bridge over the Chaumont river," was read the third time and passed, a majority of all the members elected to Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Little
Mr. Brownson	Mr. Floyd	Mr. Smith
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Whallon
		21

## FOR THE NEGATIVE.

Mr. Geddes	Mr. S. H. P. Hall	2
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*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill entitled "An act to repeal an act to appoint commissioners to lay out a road from Palatine Bridge, in Montgomery county, through Palatine, Garoga, Pleasant Valley and Ephratah, on lands belonging to the county of Fulton," passed December 15, 1847, was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. W. Hall
Mr. Brownson	Mr. Fox	Mr. Hawley
Mr. Clark	Mr. Fuller	Mr. Tamblin
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Colt	Mr. S. H. P. Hall	14

## FOR THE NEGATIVE.

Mr. Bokee	Mr. Floyd	Mr. Treadwell
Mr. Cole	Mr. Martin	5

Mr. W. Hall, from the select committee consisting of the Senators from the 1st, and 2d judicial districts, reported in favor of the passage of the bill from the Assembly entitled "An act for the better regulation of wharfage and the use of wharves and slips in the cities of New-York and Brooklyn."

On motion of Mr. Floyd,

*Ordered,* That said bill be indefinitely postponed.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act entitled, 'An act concerning passengers ar-

living at the ports of entry and landings in this state,' passed December 10, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act in relation to emigrants arriving at the port of New-York," read the first time, and by unanimous consent was also read the second time and referred to the committee on commerce and navigation.

A message was received from the Assembly, informing that they had passed, without amendment, the following bills:

"An act for the removal of the Hallenbake burial ground in Albany."

"An act for the payment of canal damages to Mary Murray and others."

"An act to amend an act entitled 'An act to incorporate the City of Auburn, passed March 21, 1848.'"

"An act to amend the 35th section of the general plank road law as far as it affects the county of Sullivan."

"An act for the purchase of materials and tools for the ordinary repairs of the canals."

"An act to authorise the superintendents of the poor of the county of Essex, to enlarge and repair the county poor house of said county."

"An act to amend certain acts concerning passengers coming to the city of New-York."

"An act in relation to the canal debt and canal damages."

"An act in relation to the Cayuga Indian annuities."

"An act to provide for transcribing the docket of judgments and for making new indexes for deeds and mortgages in the office of the clerk of the county of Franklin."

"An act in relation to copartnership styles."

"An act to amend an act entitled 'An act to incorporate the Fulton Academy, passed April 11, 1842.'"

"An act to authorise the sale of certain real estate held in trust under the will of Joseph Weld, deceased."

"An act for the relief of Helena R. Kearney, administratrix of the estate of the late Charles McKnight."

*Ordered*, That said bills be delivered to the Governor.

The bill from the Assembly entitled "An act to incorporate the Albany Hospital," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Adams

Mr. Betts

Mr. Bokee

Mr. Brownson

Mr. Clark

Mr. Fox

Mr. Frost

Mr. Fuller

Mr. Geddes

Mr. S. H. P. Hall

Mr. Johnson

Mr. Little

Mr. Smith

Mr. Tamblin

Mr. Treadwell

Mr. Coffin  
Mr. Cole  
Mr. Floyd

Mr. W. Hall  
Mr. Hawley

Mr. Whallon  
Mr. Wilkin

22

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to facilitate the determination of existing suits in the courts of this State," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Brownson  
Mr. Cole  
Mr. Colt  
Mr. Cook  
Mr. Cornwell

Mr. Fine  
Mr. Floyd  
Mr. Fox  
Mr. Fuller  
Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Hawley

Mr. Lawrence  
Mr. Martin  
Mr. Smith  
Mr. Tamblin  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to provide for extraordinary repairs of the canals," was read the third time and passed, a majority of the members elected to the Senate voting in favor thereof, and three fifths of all the members elected to the Senate being present, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts  
Mr. Bokee  
Mr. Brownson  
Mr. Coffin  
Mr. Cole

Mr. Colt  
Mr. Fine  
Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. Geddes

Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Hawley  
Mr. Johnson  
Mr. Tamblin  
Mr. Whallon

18

## FOR THE NEGATIVE.

Mr. Floyd

Mr. Smith

2

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to enable the trustees of the Bath Presbyterian congregation to make certain repairs and improvements on their church," was read the third time and

passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Coffin	Mr. Frost
Mr. Betts	Mr. Cole	Mr. Fuller
Mr. Bokee	Mr. Colt	Mr. Johnson
Mr. Bond	Mr. Cook	Mr. Lawrence
Mr. Brownson	Mr. Fine	Mr. Whallon
Mr. Clark	Mr. Fox	Mr. Wilkin
		18

FOR THE NEGATIVE.

Mr. S. H. P. Hall	Mr. Smith	2
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The engrossed bill entitled "An act requiring steamboats driven or propelled by steam to carry small boats for the protection of life in case of accident," was read the third time and passed, a majority of all the members elect ed to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Betts	Mr. Cornwell	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Little
Mr. Bond	Mr. Floyd	Mr. Martin
Mr. Clark	Mr. Fox	Mr. Smith
Mr. Coffin	Mr. Frost	Mr. Treadwell
Mr. Cole	Mr. Fuller	Mr. Whallon
Mr. Colt		22

*Ordered*, That the Clerk deliver said bill to the Assembly, and request their concurrence therein.

The bill from the Assembly entitled, "An act in relation to the Fifth Brigade of the state of New-York," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Johnson
Mr. Bokee	Mr. Cook	Mr. Little
Mr. Bond	Mr. Cornwell	Mr. Martin
Mr. Brownson	Mr. Floyd	Mr. Tamblin
Mr. Bush	Mr. Fox	Mr. Treadwell
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cole	Mr. W. Hall	23

*Ordered*, That the Clerk return said bill to the Assembly, with a



message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to regulate the sale of keg oysters," was read the third time and passed a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Cole	Mr. S. H. P. Hall
Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bond	Mr. Cornwell	Mr. Little
Mr. Brownson	Mr. Fox	Mr. Treadwell
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. Fuller	Mr. Wilkin
		18

**FOR THE NEGATIVE.**

Mr. Bokee	Mr. Floyd	Mr. Smith
Mr. Clark	Mr. Martin	
		25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to prevent frauds in the returns made to the Comptroller of sales at auction," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. Cornwell	Mr. Hawley
Mr. Bond	Mr. Fine	Mr. Johnson
Mr. Brownson	Mr. Floyd	Mr. Little
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Clark	Mr. Frost	Mr. Smith
Mr. Coffin	Mr. Fuller	Mr. Tamblin
Mr. Cole	Mr. Geddes	Mr. Treadwell
Mr. Colt	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cook	Mr. W. Hall	Mr. Wilkin
		27

*Ordered,* That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

A message was received from the Assembly, informing that they had concurred in the amendments of the Senate to the following bills :

"An act to amend the act entitled "An act in relation to the marine court in the city of New-York.'"

"An act to amend an act for the more effectual protection of the property of married women," passed April 7, 1848.

"An act to amend an act entitled 'An act establishing free schools throughout the State, passed March 20, 1849,'" and amended the said bills accordingly.

Mr. Cook, from the committee of conference, on the bill entitled "An act making appropriations for the state library for international exchanges, and for the salary of the secretary of the Regents of the University," reported in writing.

The President put the question upon agreeing to said report, and it was decided in the affirmative, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Fuller
Mr. Betts	Mr. Colt	Mr. Geddes
Mr. Bond	Mr. Cook	Mr. S. H. P. Hall
Mr. Brownson	Mr. Cornwell	Mr. Johnson
Mr. Bush	Mr. Fine	Mr. Little
Mr. Clark	Mr. Fox	Mr. Tamblin
Mr. Coffin	Mr. Frost	Mr. Treadwell
		21

FOR THE NEGATIVE.

Mr. Floyd	Mr. Smith	Mr. Whallon	3
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

The bill from the Assembly entitled, "An act to extend the time for the collection of taxes in the town of Castletown, in the county of Richmond," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Treadwell
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. Geddes	Mr. Wilkin
Mr. Cole		

25

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act concerning passengers arriving at the ports of entry and landings in this state," passed December 10, 1847, was read the third time and passed, a majority

of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Bokee	Mr. Cornwell	Mr. W. Hall
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Frost	Mr. Little
Mr. Bush	Mr. Fuller	Mr. Smith
Mr. Coffin	Mr. Geddes	Mr. Wilkin
Mr. Cole		

19

**FOR THE NEGATIVE.**

Mr. Betts	Mr. Cook	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Whallon

6

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorise and direct the surrogate of the city and county of New-York to admit to probate and record the last will and testament of William H. Taylor, deceased," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. Colt	Mr. Johnson
Mr. Bokee	Mr. Cornwell	Mr. Little
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Brownson	Mr. Fox	Mr. Treadwell
Mr. Bush	Mr. Fuller	Mr. Wilkin
Mr. Coffin	Mr. W. Hall	

17

**FOR THE NEGATIVE.**

Mr. Cole	Mr. Geddes	Mr. Hawley
Mr. Cook	Mr. S. H. P. Hall	Mr. Whallon
Mr. Floyd		

7

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to provide for the improvement of the upper waters of the Hudson river," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. W. Hall
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Martin
Mr. Coffin	Mr. Frost	Mr. Treadwell
Mr. Cole	Mr. Fuller	Mr. Whallon
Mr. Cook		

19

## FOR THE NEGATIVE.

Mr. Bush	Mr. Geddes	Mr. Smith
Mr. Clark	Mr. Hawley	Mr. Wilkin

6

*Ordered,* That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to provide for liquidating the claim of Horace Hotchkiss and William P. Smith, against the agent of the Sing Sing prison," was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Cole	Mr. Geddes
Mr. Bond	Mr. Cornwell	Mr. Little
Mr. Brownson	Mr. Fine	Mr. Wilkin
Mr. Coffin		

10

## FOR THE NEGATIVE.

Mr. Betts	Mr. Fuller	Mr. Smith
Mr. Colt	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cook	Mr. W. Hall	Mr. Whallon
Mr. Floyd	Mr. Johnson	

11

*Ordered,* That the clerk return said bill to the Assembly, informing them of the action of the Senate thereon.

The bill from the Assembly entitled "An act for the establishment of a workhouse for the employment of persons committed to the city prison and alms house in the city of New-York," was read the third time and passed a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. S. H. P. Hall
Mr. Bokee	Mr. Cornwell	Mr. W. Hall

Mr. Bond	Mr. Fine	Mr. Johnson
Mr. Brownson	Mr. Floyd	Mr. Little
Mr. Bush	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. Geddes	Mr. Wilkin
Mr. Colt		

25

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act authorising the comptroller to receive the returns of certain unpaid taxes on non-resident lands in the county of Cortland, for the year 1846," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Fox	Mr. Lawrence
Mr. Bond	Mr. Frost	Mr. Tamblin
Mr. Coffin	Mr. Fuller	Mr. Treadwell
Mr. Cook	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cornwell	Mr. W. Hall	

17

## FOR THE NEGATIVE.

Mr. Brownson	Mr. Cole	Mr. Martin
Mr. Bush	Mr. Colt	Mr. Smith
Mr. Clark		

7

*Ordered,* That the clerk return said bill to the Assembly and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to repeal an act to appoint commissioners to lay out a road from Palatine Bridge, in Montgomery county, through Palatine, Garoga, Pleasant Valley and Ephratah, on lands belonging to the county of Fulton," passed December 15, 1847, was again read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Fox	Mr. Hawley
Mr. Brownson	Mr. Fuller	Mr. Smith
Mr. Bush	Mr. Geddes	Mr. Tamblin
Mr. Clark	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. W. Hall	Mr. Wilkin
Mr. Cornwell		

16

## FOR THE NEGATIVE.

Mr. Cole  
Mr. Cook  
Mr. Floyd

Mr. Frost  
Mr. Johnson  
Mr. Little

Mr. Martin  
Mr. Treadwell

8

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

A bill was received from the Assembly for concurrence entitled, "An act to aid the dissemination of agricultural science, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Bush, from the committee on agriculture, reported adversely to the passage of said bill, which was committed to the committee of the whole.

A bill was received from the Assembly for concurrence entitled, "An act to amend an act in relation to emigrants arriving in the State of New-York," which was read the first time and by unanimous consent was also read the second time.

On motion of Mr. Fuller,

*Ordered*, That said bill do have its third reading.

On motion of Mr. Geddes,

*Resolved*, That the thanks of this Senate are hereby tendered to the several reporters for the faithful manner in which they have discharged their duties as such reporters.

A message was received from the Assembly, informing that they had passed, without amendment, the following bill:

"An act to amend the act to facilitate the determination of existing suits in the courts of this state.

*Ordered*, That said bill be delivered to the Governor.

A message was received from the Assembly informing that they had concurred in the amendments of the Senate to the bill entitled, "An act to create the Croton Aqueduct Department in the city of New-York," and had amended the same accordingly.

The bill from the Assembly entitled "An act to enable Mary McNulty and Jane Coughlin to take and hold certain real estate," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Betts  
Mr. Brownson  
Mr. Bush  
Mr. Coffin  
Mr. Cole  
Mr. Fine

Mr. Fox  
Mr. Frost  
Mr. Fuller  
Mr. S. H. P. Hall  
Mr. W. Hall  
Mr. Hawley

Mr. Johnson  
Mr. Lawrence  
Mr. Smith  
Mr. Treadwell  
Mr. Whallon  
Mr. Wilkin

18

## FOR THE NEGATIVE.

Mr. Colt

Mr. Martin

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend an act to incorporate the Roman Catholic orphan asylum society of the city of Rochester," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Betts	Mr. Cole	Mr. Fuller
Mr. Bokee	Mr. Colt	Mr. W. Hall
Mr. Bond	Mr. Cook	Mr. Little
Mr. Brownson	Mr. Cornwell	Mr. Smith
Mr. Bush	Mr. Fine	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Wilkin
		21

**FOR THE NEGATIVE.**

Mr. Hawley	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the act for the formation of railroad corporations," passed March 27, 1848, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bush	Mr. Fox	Mr. Martin
Mr. Coffin	Mr. Frost	Mr. Smith
Mr. Cole	Mr. Fuller	Mr. Tamblin
Mr. Colt	Mr. Geddes	Mr. Treadwell
Mr. Cook	Mr. W. Hall	Mr. Whallon
Mr. Cornwell		
		19

**FOR THE NEGATIVE.**

Mr. Brownson	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to provide for the appraisal and payment of canal damages to David Van Alstyne," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the

members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Cornwell	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Brownson	Mr. Floyd	Mr. Treadwell
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	

17

FOR THE NEGATIVE.

Mr. Cole	Mr. S. H. P. Hall	Mr. Martin
Mr. Colt	Mr. Hawley	

5

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to cede to the United States sufficient land in the Hudson river near Tarrytown Point on which to erect a beacon light," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Little
Mr. Betts	Mr. Floyd	Mr. Martin
Mr. Bokee	Mr. Fox	Mr. Smith
Mr. Bond	Mr. Frost	Mr. Tamblin
Mr. Brownson	Mr. Geddes	Mr. Treadwell
Mr. Bush	Mr. S. H. P. Hall	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Cook	Mr. Hawley	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the act more effectually to provide for common school education in the city of New-York," passed May 7, 1844, was read a third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Little
Mr. Bond	Mr. Fox	Mr. Martin



Mr. Brownson	Mr. Frost	Mr. Smith	
Mr. Clark	Mr. Fuller	Mr. Treadwell	
Mr. Coffin	Mr. Geddes	Mr. Whallon	
Mr. Colt	Mr. W. Hall	Mr. Wilkin	24

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

Mr. Coffin called for the reconsideration of the vote by which the bill to declare the public use of a railroad from Buffalo to Lockport on the most direct and eligible route was passed, and the President pro tempore decided that said motion was not in order.

Mr. Bush appealed from such decision.

The President put the question whether the decision of the chair should stand as the judgment of the Senate, and it was decided in the affirmative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cornwell	Mr. Little	
Mr. Bond	Mr. Fine	Mr. Martin	
Mr. Brownson	Mr. Fox	Mr. Smith	
Mr. Coffin	Mr. Frost	Mr. Tamblin	
Mr. Colt	Mr. S. H. P. Hall	Mr. Treadwell	
Mr. Cook	Mr. W. Hall	Mr. Whallon	18

#### FOR THE NEGATIVE.

Mr. Betts	Mr. Cole	Mr. Hawley	
Mr. Bokee	Mr. Floyd	Mr. Johnson	
Mr. Bush	Mr. Fuller	Mr. Lawrence	
Mr. Clark	Mr. Geddes		11

And then the said bill was again read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cornwell	Mr. Hawley	
Mr. Bokee	Mr. Fine	Mr. Johnson	
Mr. Bush	Mr. Floyd	Mr. Lawrence	
Mr. Clark	Mr. Fuller	Mr. Smith	
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon	16

#### FOR THE NEGATIVE.

Mr. Adams	Mr. Cook	Mr. Little	
Mr. Brownson	Mr. Fox	Mr. Martin	
Mr. Coffin	Mr. Frost	Mr. Treadwell	
Mr. Colt	Mr. W. Hall	Mr. Wilkin	12

And the question then being on the reconsideration of said bill,

The President put the question upon agreeing to reconsider, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Little
Mr. Bond	Mr. Cornwell	Mr. Martin
Mr. Brownson	Mr. Fox	Mr. Smith
Mr. Coffin	Mr. Frost	Mr. Treadwell
Mr. Colt	Mr. W. Hall	Mr. Wilkin

15

## FOR THE NEGATIVE.

Mr. Betts	Mr. Fine	Mr. Hawley
Mr. Bokee	Mr. Floyd	Mr. Johnson
Mr. Bush	Mr. Fuller	Mr. Lawrence
Mr. Clark	Mr. S. H. P. Hall	Mr. Whallon
Mr. Cole		

13

Mr. Fuller offered for the consideration of the Senate the following resolution :

*Resolved*, That a respectful message be transmitted to the Governor, requesting him to return the bill declaring the public utility of a railroad from Troy to Rutland, that the same may be reconsidered.

The President put the question upon agreeing to said resolution, and it was decided in the affirmative, as follows :

## FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Cornwell	Mr. W. Hall
Mr. Bush	Mr. Floyd	Mr. Hawley
Mr. Clark	Mr. Fuller	Mr. Smith
Mr. Cole	Mr. S. H. P. Hall	Mr. Whallon

12

## FOR THE NEGATIVE.

Mr. Adams	Mr. Fox	Mr. Tamblin
Mr. Betts	Mr. Frost	Mr. Treadwell
Mr. Colt	Mr. Lawrence	Mr. Wilkin
Mr. Fine	Mr. Martin	

11

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
April 11, 1849. }

To the SENATE,—

The bill to declare the public utility of a railway from Troy to Rutland, has been signed and deposited in the office of the Secretary of State.

HAMID

ment of wages to day laborers employed on the canals and other public works of this State," coming up for its third reading.

On motion of Mr. Brownson,

*Ordered*, That said bill be indefinitely postponed.

The bill from the Assembly entitled, "An act in relation to unclaimed bank dividends and deposits," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Little
Mr. Bokee	Mr. Fine	Mr. Martin
Mr. Bond	Mr. Floyd	Mr. Smith
Mr. Brownson	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. Fuller	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	

23

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to amend the act incorporating the East River Savings Institution in the city of New-York," passed April 11, 1848, was read the third time and lost, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Bokee	Mr. Cook	Mr. Geddes
Mr. Bush	Mr. Floyd	Mr. W. Hall
Mr. Coffin	Mr. Fox	Mr. Johnson
Mr. Cole	Mr. Frost	Mr. Whallon
Mr. Colt	Mr. Fuller	Mr. Wilkin

15

**FOR THE NEGATIVE.**

Mr. Betts	Mr. Fine	Mr. Little
Mr. Bond	Mr. S. H. P. Hall	Mr. Martin
Mr. Brownson	Mr. Hawley	Mr. Smith
Mr. Clark		

10

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them of the action of the Senate thereon.

The bill from the Assembly entitled "An act for the relief of the Indian owners of Lot No. 3, Oneida purchase of 1842," was read the third time and passed a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Little
Mr. Betts	Mr. Floyd	Mr. Smith
Mr. Bokee	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. Hawley	Mr. Wilkin
Mr. Colt	Mr. Johnson	

20

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to pay Jenny Doxtater and Sophia Denny, Indian women, for their interest in Onei a lands," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cook	Mr. Little
Mr. Bokee	Mr. Floyd	Mr. Smith
Mr. Brownson	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Coffin	Mr. W. Hall	Mr. Whallon
Mr. Cole	Mr. Hawley	Mr. Wilkin
Mr. Colt	Mr. Johnson	

20

## FOR THE NEGATIVE.

Mr. Adams	1
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*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to erect the town of Richmondville, in the county of Schoharie," was read the third time and passed a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Lawrence
Mr. Betts	Mr. Fox	Mr. Little
Mr. Bond	Mr. Frost	Mr. Smith
Mr. Clark	Mr. Fuller	Mr. Tamblin
Mr. Coffin	Mr. W. Hall	Mr. Treadwell
Mr. Cole	Mr. Hawley	Mr. Whallon
Mr. Cook	Mr. Johnson	Mr. Wilkin
Mr. Fine		

22

## FOR THE NEGATIVE.

Mr. Colt	1
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*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act for the appraisal and payment of canal damages to Perkins E. Hayes," was read the third time and passed, a majority of all the members elected to Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Cook	Mr. Johnson
Mr. Betts	Mr. Fine	Mr. Lawrence
Mr. Bokee	Mr. Floyd	Mr. Little
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Fuller	Mr. Tamblin
Mr. Coffin	Mr. S. H. P. Hall	Mr. Treadwell
Mr. Cole	Mr. W. Hall	Mr. Whallon
Mr. Colt		

22

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to repeal the act incorporating the village of Ovid, in the county of Seneca," passed April 17, 1816," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows:

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Cook	Mr. Little
Mr. Betts	Mr. Fine	Mr. Smith
Mr. Bond	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Treadwell
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Cole	Mr. W. Hall	Mr. Wilkin
Mr. Colt	Mr. Johnson	

20

**FOR THE NEGATIVE.**

Mr. Floyd 1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to incorporate the New-York and Liverpool United States Mail Steamship Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Cole	Mr. W. Hall
Mr. Bokee	Mr. Colt	Mr. Johnson
Mr. Bond	Mr. Cook	Mr. Little
Mr. Brownson	Mr. Fine	Mr. Tamblin
Mr. Bush	Mr. Frost	Mr. Whallon
Mr. Clark	Mr. Fuller	Mr. Wilkin
Mr. Coffin		

19

FOR THE NEGATIVE.

Mr. Smith	1
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*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to amend the act in relation to emigrants arriving at the port of New-York," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. W. Hall
Mr. Betts	Mr. Floyd	Mr. Johnson
Mr. Brownson	Mr. Fox	Mr. Little
Mr. Bush	Mr. Frost	Mr. Smith
Mr. Coffin	Mr. Fuller	Mr. Whallon
Mr. Colt	Mr. Geddes	Mr. Wilkin
Mr. Cook	Mr. S. H. P. Hall	

20

FOR THE NEGATIVE.

Mr. Clark	Mr. Cole	2
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The bill entitled, "An act to erect the town of Shongo from the towns of Independence and Scio, in the county of Allegany," coming up on its third reading,

On motion of Mr. Smith,

*Ordered*, That said bill be indefinitely postponed.

The bill from the Assembly entitled "An act to regulate the taking of oysters, clams and other shell fish in the bays and harbors in the town of North Hempstead, Queens county," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Floyd	Mr. Hawley
Mr. Betts	Mr. Fox	Mr. Johnson
Mr. Bond	Mr. Frost	Mr. Little
Mr. Bush	Mr. Fuller	Mr. Smith
Mr. Coffin	Mr. Geddes	Mr. Whallon

Mr. Cook	Mr. S. H. P. Hall	Mr. Wilkin	
Mr. Fine	Mr. W. Hall		20

## FOR THE NEGATIVE.

Mr. Brownson	Mr. Cole	Mr. Treadwell	
Mr. Clark	Mr. Martin		5

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

On motion of Mr. Cook,

The bill entitled "An act to amend the act to incorporate the Dry Dock Savings Institution in the city of New-York, passed April 12, 1848," was indefinitely postponed.

The Assembly sent a joint resolution for the appointment of a committee to examine the accounts of the Treasurer and the Banking Department.

The Senate concurred in said resolution, and then proceeded to ballot for a member of said committee on the part of the Senate.

Mr. Cook and Mr. Floyd were appointed tellers, and the ballot being had it appeared by the report of the tellers that William I. Cornwell had received nineteen votes.

*Ordered*, That Mr. Cornwell be of said committee on the part of the Senate.

The bill from the Assembly entitled, "An act concerning the salaries and compensation of the county superintendents of the poor in the county of Kings," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall	
Mr. Betts	Mr. Fine	Mr. Hawley	
Mr. Bokee	Mr. Floyd	Mr. Johnson	
Mr. Bond	Mr. Fox	Mr. Little	
Mr. Bush	Mr. Frost	Mr. Treadwell	
Mr. Clark	Mr. Fuller	Mr. Whallon	
Mr. Coffin	Mr. Geddes	Mr. Wilkin	21

## FOR THE NEGATIVE.

Mr. Brownson	Mr. Cole	Mr. Martin
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*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act authorising the Canal Commissioners to build a bridge over the Champlain canal,

north of the guard lock upon the lands of Jonathan Polly, in the town of Whiteball," was read the third time and passed, a majority of the members elected to the Senate voting in favor thereof, and three fifths of all the members elected to the Senate being present, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. Hawley
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Little
Mr. Bond	Mr. Fox	Mr. Martin
Mr. Brownson	Mr. Frost	Mr. Treadwell
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. W. Hall	Mr. Wilkin
Mr. Colt		

22

## FOR THE NEGATIVE.

Mr. Smith

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
April 11, 1849. }

TO THE SENATE,—

I have this day approved and signed the following bills :

"An act to amend an act entitled 'An act to simplify and abridge the Practice, Pleadings and Proceedings of the courts of this State, passed April 2, 1848.'"

"An act to amend an act entitled "An act to facilitate the determination of existing suits in the courts of this State.'"

HAMILTON FISH.

The bill from the Assembly entitled, " An act to extend the time for the collection of taxes in the town of Ticonderoga," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cook	Mr. W. Hall
Mr. Betts	Mr. Fine	Mr. Hawley
Mr. Bokee	Mr. Floyd	Mr. Johnson
Mr. Bond	Mr. Fox	Mr. Little



Mr. Brownson	Mr. Frost	Mr. Martin
Mr. Bush	Mr. Fuller	Mr. Treadwell
Mr. Coffin	Mr. Geddes	Mr. Whallon
Mr. Cole	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Colt		

25

*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
April 11, 1849. }

To the SENATE,—

I have this day approved and signed the following bills:

"An act in relation to the Cayuga Indian annuities."

"An act to amend an act entitled 'An act to incorporate the Fulton Academy,' passed April 11, 1842."

"An act to provide for transcribing the docket of judgments and for making new indexes of deeds and mortgages in the office of the clerk of the county of Franklin."

"An act to authorise the sale of certain real estate held in trust under the will of Joseph Weld, deceased."

"An act in relation to canals and canal damages."

"An act to amend the charter of the Attica and Hornellsville railroad company."

"An act for the relief of Helena R. Kearney, administratrix of the estate of the late Charles McKnight."

"An act to amend certain acts concerning passengers coming to the city of New-York."

"An act for the purchase of materials and tools for the ordinary repairs of the canals."

"An act to authorise the Governor of this State to revive by proclamation, if in his judgment it shall be deemed expedient, so to do, the act entitled 'An act for the preservation of the public health,'" passed June 22, 1832.

"An act providing for compensation to the county treasurers of this State, for services rendered by them under the act of April 12, 1848, relating to funds and securities in possession of the clerk of the Court of Appeals."

"An act in relation to canal contracts."

"An act in relation to copartnership styles."

"An act to renew and amend the act granting lands under water to the Hudson and Berkshire railroad company and others."

"An act to amend the 35th section of the general plank road law as far as it affects the county of Sullivan."

"An act to authorise the superintendents of the poor of the county of Essex, to enlarge and repair the county poor house of said county."

"An act to amend an act entitled, 'An act to amend the Revised Statutes in relation to summary proceedings to recover the possession of land,' passed April 3, 1849."

"An act in relation to the collection of fines and forfeitures in the county of Monroe, and the duties of certain officers in relation thereto."

"An act in reference to the new government of the Seneca Nation of Indians on the Cattaraugus and Allegany reservations."

"An act to amend chapter 408 of the Session Laws of 1847, entitled 'An act relative to the office of town superintendent of common schools and amendatory of the Revised Statutes, entitled 'Of public instruction,' passed Dec. 15, 1847.'"

"An act to amend an act for the more effectual protection of the property of married women," passed April 7, 1848.

"An act to amend an act entitled 'An act establishing free schools throughout the State, passed March 26, 1849.'"

"An act further to amend the charter of the city of Rochester."

"An act to amend the act entitled 'An act in relation to the marine court in the city of New-York.'"

#### HAMILTON FISH.

Mr. Lawrence, from the committee of conference on the matters in difference between the two houses on the bill to provide for paying certain expenses of government, having made their report,

Mr. Hawley moved to reduce the appropriation made to Wessel S. Smith, for his mileage in coming to Albany to make his report.

The President put the question upon agreeing to said motion, and it was decided in the negative, as follows:

#### FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. S. H. P. Hall	Mr. Smith
Mr. Floyd	Mr. Hawley	Mr. Tamblin
Mr. Fuller	Mr. Martin	Mr. Whallon
Mr. Geddes		

10

#### FOR THE NEGATIVE.

Mr. Adams	Mr. Coffin	Mr. Johnson
Mr. Betts	Mr. Cook	Mr. Lawrence
Mr. Bond	Mr. Cornwell	Mr. Little
Mr. Brownson	Mr. Frost	Mr. Treadwell
Mr. Bush	Mr. W. Hall	Mr. Wilkin

15

The question being on agreeing with the report of the committee of conference, it was decided in the affirmative.

The bill from the Assembly entitled "An act to incorporate the Watertown Waterworks Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Fine	Mr. Lawrence
Mr. Betts	Mr. Floyd	Mr. Little
Mr. Bond	Mr. Fox	Mr. Smith
Mr. Bush	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Treadwell
Mr. Coffin	Mr. S. H. P. Hall	Mr. Whallon
Mr. Colt	Mr. Hawley	Mr. Wilkin
Mr. Cook	Mr. Johnson	

23

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to incorporate the Peoples' Bathing and Washing Company, in the city of New-York," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Tamblin
Mr. Bush	Mr. Fox	Mr. Treadwell
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. Fuller	Mr. Wilkin
Mr. Cole	Mr. Geddes	

23

## FOR THE NEGATIVE.

Mr. Smith

1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have non-concurred in said amendment.

The bill from the Assembly entitled, "An act to authorise the East Hamburg turnpike road company to alter the construction of their road, and to increase their capital stock," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Betts	Mr. Colt	Mr. Hawley
Mr. Bokee	Mr. Fine	Mr. Little
Mr. Brownson	Mr. Frost	Mr. Tamblin
Mr. Bush	Mr. Fuller	Mr. Whallon
Mr. Clark	Mr. Geddes	Mr. Wilkin
Mr. Coffin	Mr. W. Hall	

17

## FOR THE NEGATIVE.

Mr. Adams

Mr. Cole

Mr. Smith

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

On motion of Mr. S. H. P. Hall,

The Senate proceeded to the consideration of the following resolution from the Assembly:

*Resolved*, (if the Senate concur,) That this Legislature will adjourn sine die on Wednesday, the 11th instant, at 12 o'clock, M.

Mr. Cook moved that said resolution be again laid on the table.

The President put the question upon agreeing to said motion, and it was decided in the affirmative, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Bokee	Mr. Colt	Mr. Geddes
Mr. Brownson	Mr. Cook	Mr. W. Hall
Mr. Bush	Mr. Fine	Mr. Whallon
Mr. Coffin	Mr. Fox	Mr. Wilkin
Mr. Cole	Mr. Frost	

14

#### FOR THE NEGATIVE.

Mr. Adams	Mr. Fuller	Mr. Little
Mr. Betts	Mr. S. H. P. Hall	Mr. Martin
Mr. Bond	Mr. Hawley	Mr. Smith
Mr. Floyd	Mr. Johnson	Mr. Treadwell

12

The bill from the Assembly entitled, "An act amending the act to incorporate the New-York Institution for the instruction of the Deaf and Dumb," passed April 15, 1817, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

#### FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Fuller
Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bokee	Mr. Cook	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Tamblin
Mr. Brownson	Mr. Floyd	Mr. Whallon
Mr. Clark	Mr. Fox	Mr. Wilkin
Mr. Coffin		

19

#### FOR THE NEGATIVE.

Mr. Smith	
-----------	--

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the act incorporating the Monroe County Mutual Insurance Company," passed March 21, 1836, was read the third time and passed, a ma-

majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Cole	Mr. Fuller
Mr. Betts	Mr. Colt	Mr. Geddes
Mr. Bokee	Mr. Cook	Mr. W. Hall
Mr. Bond	Mr. Fine	Mr. Johnson
Mr. Bush	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin		

19

**FOR THE NEGATIVE.**

Mr. Smith 1

*Ordered,* That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act in relation to the Oneida Lake canal," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Colt	Mr. Geddes
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Tamblin
Mr. Brownson	Mr. Fox	Mr. Whallon
Mr. Clark	Mr. Fuller	Mr. Wilkin
Mr. Coffin		

19

**FOR THE NEGATIVE.**

Mr. Smith 1

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to incorporate a seminary of education under the name of the Sacred Heart," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Coffin	Mr. W. Hall
Mr. Betts	Mr. Cole	Mr. Hawley
Mr. Bokee	Mr. Cook	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Lawrence

Mr. Bush  
Mr. Clark

Mr. Frost  
Mr. Fuller

Mr. Smith  
Mr. Wilkin

18

## FOR THE NEGATIVE.

Mr. Colt  
Mr. Floyd

Mr. Fox

Mr. Whallon

4

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The following message was received from the Governor :

EXECUTIVE CHAMBER, {  
April 11, 1849. }

To the SENATE,—

I have this day approved and signed the following bills :

“An act to authorise the election of local officers to discharge the duties of county judge and surrogate in the counties of Orange, Chautauque, Cayuga, St. Lawrence, Tioga, Oneida, Jefferson and Oswego.”

“An act to amend the act to incorporate the Orange County Mutual Insurance Company,” passed March 15, 1837. /

“An act to abolish the mayor’s court of the city of Rochester.”

“An act to pay Francis Bates a sum of money for his costs and expenses in taking Barney Heirs, an escaped convict.”

“An act to allow the president and directors of the eastern turnpike to sell a part or all of their road and to form a plank road company from Albany to Sandlake under the act passed May 7, 1847.”

“An act to alter the commissioner’s map of the city of Brooklyn.”

“An act to appoint commissioners further to revise, reform, simplify and abridge the rules, practice, pleadings, forms and proceedings of the courts of record of this state, and commissioners of the code, pursuant to the 17th section of the first article of the Constitution.”

“An act amendatory of the act entitled, ‘An act to authorise the business of banking,’ passed April 18, 1838, and the acts amending the same.”

HAMILTON FISH.

The bill from the Assembly entitled, “An act to authorise the commissioners of highways in the town of Northfield to lease certain real estate,” was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams  
Mr. Betts

Mr. Cook  
Mr. Fine

Mr. W. Hall  
Mr. Hawley

Mr. Bokee	Mr. Floyd	Mr. Johnson
Mr. Bond	Mr. Fox	Mr. Lawrence
Mr. Bush	Mr. Fuller	Mr. Smith
Mr. Clark	Mr. Geddes	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin
Mr. Cole		

22

*Ordered*, That the clerk return said bill to the Assembly, and inform them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to change the name of the Washington Manufacturing Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Smith
Mr. Bond	Mr. Floyd	Mr. Tamblin
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Wilkin
Mr. Cole	Mr. Fuller	

28

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to amend the charter of the Middletown and Delhi Turnpike Company," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Smith
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Wilkin
Mr. Cole	Mr. Fuller	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorise Edward Mitchell to build a dock in the town of North Hempstead, Queens county," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. S. H. P. Hall
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Fine	Mr. Johnson
Mr. Bond	Mr. Floyd	Mr. Smith
Mr. Brownson	Mr. Fox	Mr. Tamblin
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. Fuller	Mr. Wilkin
Mr. Cole		

22

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act authorising the Canal Board to hear and determine the claim of Nicholas Schuyler for labor done on the Erie canal," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. W. Hall
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Bond	Mr. Frost	Mr. Tamblin
Mr. Clark	Mr. Fuller	Mr. Whallon
Mr. Coffin	Mr. S. H. P. Hall	Mr. Wilkin

18

## FOR THE NEGATIVE.

Mr. Brownson	Mr. Cook	Mr. Smith
Mr. Colt	Mr. Fox	

5

*Ordered,* That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to legalise the acts of the trustees of the Baptist church in Southport Chenango county," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Cole	Mr. Fuller
Mr. Betts	Mr. Colt	Mr. W. Hall
Mr. Bokee	Mr. Cook	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Lawrence
Mr. Brownson	Mr. Floyd	Mr. Smith
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Wilkin

21



*Ordered*, That the clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to provide for building a bridge across the outlet of Crooked Lake, in the town of Milo," was read the third time and passed, a majority of all the members elected to the Senate not voting in favor thereof, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Colt	Mr. Geddes
Mr. Betts	Mr. Cook	Mr. W. Hall
Mr. Bokee	Mr. Floyd	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Smith
Mr. Brownson	Mr. Fox	Mr. Whallon
Mr. Clark	Mr. Frost	Mr. Wilkin
Mr. Coffin	Mr. Fuller	

20

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled, "An act to authorise the appraisal and payment of canal damages to John King," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present, as follows :

**FOR THE AFFIRMATIVE.**

Mr. Adams	Mr. Cole	Mr. Fuller
Mr. Betts	Mr. Colt	Mr. Geddes
Mr. Bokee	Mr. Cook	Mr. W. Hall
Mr. Bond	Mr. Fine	Mr. Johnson
Mr. Brownson	Mr. Floyd	Mr. Lawrence
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	

20

**FOR THE NEGATIVE.**

Mr. Smith

1

*Ordered*, That the Clerk return said bill to the Assembly, with a message informing that the Senate have passed the same without amendment.

The bill from the Assembly entitled "An act to amend an act to provide for sick and disabled seamen," passed April 22, 1831, was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, and three-fifths of all the members elected to the Senate being present on the final passage thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Johnson
Mr. Bond	Mr. Fine	Mr. Lawrence
Mr. Brownson	Mr. Floyd	Mr. Smith
Mr. Clark	Mr. Fox	Mr. Whallon
Mr. Coffin	Mr. Frost	Mr. Wilkin
Mr. Cole	Mr. Fuller	

20

*Ordered*, That the clerk return said bill to the Assembly and inform them that the Senate have passed the same without amendment.

On motion of Mr. Floyd, it was unanimously

*Resolved*, That the thanks of the Senate be returned to the Honorable George W. Patterson, for the able and impartial manner in which he has discharged the duties of President of the Senate.

A resolution was received from the Assembly in the words following, to wit:

*Resolved*, That Mr. Carver and Mr. Roblee be appointed the two members of the Assembly to examine the Treasurer's accounts, &c.

By unanimous consent,

The Senate then proceeded to the consideration of the following proposed amendment of the Constitution.

*Resolved*, (if the Assembly concur,) That the following amendment be proposed to the constitution of this state; that the same be referred to the Legislature to be chosen at the next annual election of Senators and members of Assembly, and be published for three months previous to the time of making such choice in conformity with the first section of the thirteenth article of the constitution. Section six of article four of the constitution shall be amended so as to read as follows:

In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of said office, resignation, or absence from the state, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease: or, if there shall be a vacancy in the office of Lieutenant Governor, or, if the Lieutenant Governor be under impeachment, or be absent from the state, or incapable of performing the duties of his office, then the powers and duties of the office of Governor shall devolve upon the President of the Senate, or, if there be no President of the Senate at the time, then upon the Speaker of the Assembly, for the residue of the term of the said Governor, or until the disability shall cease. But, when the Governor shall, with the consent of the Legislature, be out of the state, in time of war, at the head of a military force, he shall continue commander-in-chief of all the military force in the state.

The President put the question upon agreeing to said proposed amendment, and it was decided in the affirmative, as follows:

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Cook	Mr. Johnson
Mr. Bokee	Mr. Fine	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. Fuller	Mr. Wilkin

18

The bill from the Assembly entitled "An act for the relief of Isabella Gilchrist," was read the third time and passed, a majority of all the members elected to the Senate voting in favor thereof, as follows :

## FOR THE AFFIRMATIVE.

Mr. Adams	Mr. Colt	Mr. W. Hall
Mr. Betts	Mr. Fine	Mr. Johnson
Mr. Bokee	Mr. Floyd	Mr. Lawrence
Mr. Brownson	Mr. Fox	Mr. Smith
Mr. Clark	Mr. Frost	Mr. Whallon
Mr. Coffin	Mr. Fuller	Mr. Wilkin
Mr. Cole	Mr. S. H. P. Hall	

20

## FOR THE NEGATIVE.

Mr. Cook 1

*Ordered.* That the Clerk return said bill to the Assembly, with a message informing them that the Senate have passed the same without amendment.

The following communication was received from the Lieutenant-Governor and read by the clerk, and ordered to be entered on the journal.

DELAVER HOUSE, }  
Albany, April 11, 1849. }

TO THE SENATE,—

Gentlemen, I have received a copy of the resolution of the Senate expressing your approbation of the manner in which my official duties have been discharged during the session now about to close, for which I render you my grateful acknowledgments.

The duties of the chair, which are generally arduous, and sometimes difficult, have been rendered both easy and pleasant by the uniform kindness and courtesy of the members, and it affords me great pleasure to bear testimony to the ability and fidelity with which you have discharged the responsible duties of the session.

Although it has pleased an all-wise Providence to take from us one of our number, who was respected and beloved by all, still we have reason to be thankful to Him that the lives of so many have been spared; and I trust that when your labors are closed you may

reach your homes in safety, to receive with the welcome of your family and friends, the approbation of your constituents.

Very respectfully,

Your ob't serv't,

GEO. W. PATTERSON.

On motion of Mr. Bokee,

*Resolved*, That the clerk pay out of the contingent fund to Charles Emery, the sum of seventy-five dollars, for services during the session as assistant to the janitor.

*Resolved*, That the clerk pay out of the contingent fund of the Senate, to David Emery, the janitor of the Senate, such sum as shall make his compensation three dollars per day, together with his mileage, and for attendance for ten days after this session and prior to the next, in arranging and preparing the Senate Chamber.

On motion of Mr. Lawrence,

*Resolved*, That there be paid as part of the contingent expenses of the Senate, to John Manning and John Manuel, each the sum of two dollars per day for the time they have attended as messengers of the Senate, and three days before the session and three days after, for collecting books, &c., pursuant to the 7th section of title six, chapter seven, of the first part of the Revised Statutes.

On motion of Mr. Cornwell,

*Resolved*, That the State Engineer and Surveyor be requested to transmit to the Attorney-General the names of the railroad companies that have neglected to make the returns required by the 28th section of the act passed March 27, 1848, entitled "An act to authorise the formation of railroad corporations," and that the Attorney-General be directed to give such companies notice that he will proceed to collect the penalty provided for in the 29th section of said act at the expiration of thirty days, unless the return required by the said 28th section, be before that time made.

On motion of Mr. Fox,

*Resolved*, That the standing and select committees of the Senate be discharged from the further consideration of the various bills and petitions in their hands, and that they be returned to the clerk.

On motion of Mr. Hawley,

*Resolved*, That the clerk of the Senate pay to G. A. Loomis, assistant door-keeper of the Senate, for extra services during the last and present sessions, for doing up, and folding and filing documents, bills and reports, the sum of fifty dollars, also for five days services after the close of the present session; in regulating the Senate library and cleaning out the Senate chamber, and for five days previous to the next session, in arranging and preparing the same, the sum of three dollars per day, out of the contingent fund of the Senate.

The Senate then proceeded to the consideration of the joint resolution from the Assembly fixing the final adjournment of the Legislature for this day at 12, M.

Mr. Geddes moved to amend by inserting "seven o'clock."

The President put the question upon agreeing to said motion, and it was decided in the affirmative.

And then the Senate agreed to the resolution as amended.

A message was received from the Assembly, informing that they had concurred in the amendment of the Senate to said resolution.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
April 11, 1849. }

To the SENATE,—

I have this day approved and signed a bill entitled, "An act requiring steamboats driven or propelled by steam to carry small boats for the protection of life in case of accident."

HAMILTON FISH.

On motion of Mr. Brownson,

*Resolved*, That the Clerk of the Senate pay to J. N. T. Tucker, out of the contingent fund of the Senate, the sum of three dollars per day for thirty days services in assorting, filing and arranging in alphabetical order, and for convenient reference, the papers and books in the possession of the Senate.

On motion of Mr. Smith,

*Resolved*, That the thanks of the Senate be presented to the Hon. Samuel J. Wilkin, for the able and impartial manner in which he has discharged the duties of President pro tem. of the Senate.

The following message was received from the Governor :

EXECUTIVE CHAMBER, }  
April 11, 1849. }

To THE SENATE,—

I have this day approved and signed a bill entitled "An act for the benefit of the Indians."

HAMILTON FISH.

*Ordered*, That Mr. Cook and Fine be a committee to wait upon the Governor, and inform him that the Senate is ready to adjourn.

*Ordered*, That Mr. Bokee and Mr. Adams be a committee to inform the Assembly that the Senate is ready to adjourn.

And these committees communicated the discharge of their several duties.

Mr. Campbell and Mr. Taylor, a committee on the part of the Assembly, informed the Senate that the House were ready to adjourn.

And then, on motion of Mr. Cook,

The Senate adjourned *sine die*.

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